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I, Patrick Hoffman, Affirm that all the statements set down on the following pages of this personal restraint petition to be factual and true to the best of my knowledge and recall.

further I must request the Courts indulgences to receive and review this material in this manner through assistance from my wife Agnes Abramsen to deliver these materials for your consideration as the electronic filing and mail room activities now guarantee that such a personal Restraint petition would never reach the Courts to be viewed read and acted upon.

I have requested all post trial remedies and am too poor to pay attorney fees or the Court filing fees, so I must have the assistance of my good wife to convey this information to you.

Thank you for your time and careful consideration on this petition and thank you for any and all positive action given me from hand.

Sincerely

Patrick A. Hoffman # 232336, March 10, 2018.

D-W-126 West Complex

Washington State Penitentiary

1313 N. 13th Ave.

Walla Walla Washington 99362

RECEIVED

MAR 23 2018

CLERK, US DISTRICT COURT
SPOKANE, WASHINGTON

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United States District Federal Court
Eastern District of the State of Washington

Forma Pauperous

Please accept this Statement as a Forma Pauperous

I, Patrick Hoffman an incarcerated individual in the Washington State prison system, do not possess the required funds on my person or in my inmate account to cover the costs of filing paperwork with the court.

My inmate account on this date of 3/10/18 shows an amount of \$108⁰⁰ were I to have the proper amount of funds I surely would also have an attorney to present this matter to the court.

Thank for your indulgence in the acceptance of this statement in lieu of the proper funds.

Patrick Hoffman

March 10, 2018

Federal Court
Eastern District of the State of Washington

March 10, 2018

Personal Restraint Petition
of Patrick G. Hoffman

Dos# 232336

D-W-126 West Complex

Washington State Penitentiary

1313 N. 13th Ave

Walla Walla, Washington 99362

Petitioner, Patrick G. Hoffman

Respondents: Governor Inslee, of the State of Washington,
Past Governors of the State of Washington the State
of Washington, The Department of Corrections of the
State of Washington, All Judges for the State of
Washington Supreme Court together with their marital
communities, Okanogan County Court system, Okanogan
County, the marital community of John F. Burchard,
the marital community of Federal prosecutor Hickey, Spokane,
Washington.

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Petitioner asserts that All Respondents either knowingly or unknowingly acted in concert to form a conspiracy to circumvent State and federal laws, under color of law to use the legal system to engage in human trafficking for profit enslaving innocent citizens of the United States, condemning them to prison in order to cover unlawful activity of tribal police and Tribal Council members to twist laws to achieve corrupt benefit incarcerating innocent U.S. citizens and members of Colville Confederated Tribes and members of Hereditary Tribal leaders blood lineages.

Petitioner requests an unbiased review of Petitioner's trial, transcript, police reports, Sealed evidence by Judge Joanne Akumbaugh, Appeals briefs, and Washington State Supreme Court decision, and new evidence and/or arguments included in this petition, and requests a new determination based on those elements encapsulated for the purposes of obtaining a fair and unbiased response to petitioner's requests for remedy.

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Jurisdiction

Petitioner affirms that Okanogan County has the State of Washington nor the federal Government had authority nor jurisdiction to arrest nor to try defendants McGinnis and Hoffman on October 26 1986 for crimes alleged on a reservation.

McGinnis was arrested in tribal council chambers on or around August 25, 1986 on a tribal court warrant for failure to appear for a hearing, the hearing date was August 30 or shortly thereafter. Arresting on a failure to appear warrant based on an appearance date 5 or 6 days in the future constitutes an unlawful arrest in any jurisdiction and every law enforcement action or court action towards either McGinnis or Hoffman after that is unlawful and corrupted by the "Fruit of the poisonous tree" doctrine stemming from a faulty warrant.

Therefore even if the State court or the Federal court had proper jurisdiction, which they did not, actions towards McGinnis and Hoffman would, from any court or law enforcement group would be an illegal act.

If the McGinnis arrest were a valid arrest he would have been placed in custody at the tribal jail in Nespelem. He would not have been carted around from the tribal clinic to Grand Coulee hospital then transported to Okanogan County to be held under a courtesy hold to hide from the public on the reservation the terrible beating they had done on a tribal elder.

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The police came in the middle of the night
AGAINST their Superior Mr. H. Smiskin's ORDER
TO STAND DOWN.

Any search conducted WITHOUT authorization
by a warrant, nor Jurisdiction, nor authority
of their Superior Mr. H. Smiskin, violates the
Fourth Amendment to the U.S. Constitution.
The remedy for a Fourth Amendment is the
exclusion of the ILLEGALLY obtained.

There was a warrant to Mr. Mc Ginnis,
a class D, a misdemeanour, but... SIX DAYS
in the FUTURE, so... there was NO FAILURE at all.

Petitioner affirms that Public Law 280 was never inserted properly on the Colville reservation.

Petitioner has seen the tribal council record pertaining to public law 280 in that a requirement of public vote of enrolled tribal residents that had voted in the most previous election and that $5/8^{th}$ of that vote be for instituting public law 280 on reservation lands. That council knew they could not get that vote, instead they determined to use their "elected power" to "substitute" the vote for candidates in the previous election, stating on the record that being elected gave them the power to do that. Never mind that the tribe budget was defected 3 million and that federal monies in grants to the tribal business council would be 6 million and would be given as soon as public law 280 was instituted on reservation lands.

Petitioner has requested copies of this record and a copy of the Native American Sovereignty Act of 2016 which further supports petitioner's claim of lack of jurisdiction of local, state and federal government on reservation land. Only tribal judge Sheila Cleveland had authority.

Tribal Judge, Sheilah Cleveland, testified that the Tribal Council asked her to press charges against us. She said no to that saying that she had seen the incident from start to finish from her front lawn. She said we, the defendants, did nothing wrong that the first shots came from where the Tribal police had positioned themselves.

On October 26 1986 federal prosecutor Hicks moved to dismiss charges in federal court saying he didn't want to argue certain issues in federal court, the most important issues he didn't want to argue was he had no jurisdiction, due to public law 280 improperly installed on reservation lands and that the evidence at that time showed that the defendants did not kill or wound the Tribal officers.

Petitioner asserts that prosecutor Burchard in his 1986 Election did not meet the minimum state requirements for votes cast in his favor in that even though he did not have opposition in his bid for prosecutor he did not receive the required amounts under state election statutes to be installed as prosecutor. Therefore he had no authority to file charges against us or to try us in Chagoan County Court system. Election results records validate petitioner's assertion.

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Petitioner affirms that the 1986 Tribal Council made payments to Okanogan County and the appeals courts for manipulating court functions under color of law to imprison McGinnis and Hoffman, the petitioners. \$50,000⁰⁰ was paid to Okanogan County September to October 1986. Stated in Tribal Tribune.

2.6 million was paid from the federal government to Tribal Council to "upgrade their police department" Tribal Tribune. Tribal Council used some or all to pay bribes to political and/or law enforcement officials involved in the McGinnis and Hoffman trial, an arrangement brokered by Prosecutor Hicks.

2.5 million was paid to the Tribal Council from the federal government after our convictions and some or all of that was used to bribe State and federal court officials to manipulate the rules and their actions to keep McGinnis and Hoffman imprisoned.

Payment of 2.5 million documented in Tribal Tribune, June 1987.

Patrick Hoffman and Mc Ginnis have been barratried the crime of knowingly bringing false claims into Court by Mr. Burchart and Mr. Hicks.

So the prosecutors made a "shame" for other good trusty prosecutor and attorneys too.

Petitioner affirms that the Search the FBI conducted on the McGinnis residence on August 27, 1986 was an illegal search for several reasons.

1. Federal Court had no jurisdiction in the matter.

A. See *Flett v. State of Washington*

B. for reasons already stated concerning public law 280 on reservation lands.

C. the warrant to search was also corrupted by the faulty arrest warrant for McGinnis, on which the search warrant was partially based.

D. that the alleged crime scene was disturbed and corrupted by other local police officers chasing and shooting at a dog several times until it was killed.

The bullet not having been removed nor compared with the bullet taken from Mildred to exclude that from being the possible murder weapon.

E that FBI Search located and obtained the alleged murder weapon which later was destroyed by the Prosecutor(s) to enable them to claim to the jury that defendants had done so, to ascribe guilt to defendants by theory and conjecture and not by weight of evidence or fact.

And what about the FBI, when their Superior openly on TV stated that he resigned because he could not longer faces what The FBI did, the FBI was just looking for convictions, a war on crime, to help prosecutors as much as possible to convict people, guilty or not guilty, 1996-1998. So, when prosecutor Burchard sent the paper back, asking the FBI to corrige it in his favor they did so, in Quantico, Virginia.

The FBI PUBLICLY ADMITTED that in 96% it helped the prosecutors, lawyers, judges who asked for, so the LAW FORCEMENT TO BREAK THE LAW. Meanwhile thinking the U.S. is a free land. So people, even INNOCENT were tricked into slavery, and worth Millions to their owners.

To be innocent in prison is worse than a place at war; it is the MENTAL TORTUE being placed in confinement, like buried alive, atrocities on a elderly, 69 years old.

It is better to have 1000 criminals outside prison than one INNOCENT human being inside prison.

To get a lifetime without parole, that is supposed to be applead to the worst offenders, but it is more applead to the defendants with the worst judges, prosecutors, and lawyers, that is often proven. Why have laws if there is so many allowed to be ABOVE the law such as what has happens in Patrick Hoffman's and M^cGrinnis case?

Petitioner affirms that Elmer McGinnis had the firearm and that he claimed repeatedly at various times that he fired the firearm 3 times only. Petitioner did not fire the weapon. Forensics and process of elimination will prove petitioner's affirmation. Still held in evidence in Okanogan County are all 9mm casings held in connection of the McGinnis/Hoffman Trial. Petitioner affirms that petitioner loaded the clip magazine into the weapon and that the first 3 bullets, the only bullets fired from that firearm were Winchester Super X 15 grain aluminum hollow point ammunition. Independent forensic analysis of all 9mm casings taken into evidence will show that only the Winchester casings have like ejection and firing pin markings while none of the other 9mm casings have such similar marks.

The bullets, projectiles recovered from Millard was 1 full metal jacket which is most similar to the bullet taken out of Elmer McGinnis during mid trial.

Petitioner affirms that during trial John Dick, the other alleged victim, stated that Millard was somewhere behind him, that Dick claimed to have received the first shot fired in the incident in the back, he claims to have turned and returned fire.

Petitioner affirms that Millard shot Dick and Dick shot Millard. Why else would Dick refuse to surrender his revolver for examination until mid trial?

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Prosecutorial misconduct.

Petitioner affirms that prosecutors Buschard and Special Prosecutor Hicks conspired to manipulate and/or destroy exculpatory evidence in the McGinnis and Hoffman trial for monetary and personal gain from the then Colville Confederated Tribal Council.

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Prosecutor Burchard, Special(?) Prosecutor Hicks must and undoubtedly will and must be recalled because the meaning has been squeezed out of the text or invented against it, they need to bind them down from mischief by the chains of the Constitution. They swore on Oath to be kind masters; but they mean to be masters...

Sorry, but I know and see Hoffman suffering and knowing that the real wrongdoers are free. Please I beg you, don't let Patrick Hoffman any longer suffering.

Petitioner further affirms that petitioner stated to his Attorney, Mr. Price, where the weapon had been placed by him and showed him in the photo enlargement of the McGinnis property and the area surrounding it. Petitioner's attorney went to the spot and found nothing and also went to all other similar spots in case petitioner was mistaken. No 9 mm was found.

Petitioner affirms that on or around August 15, 1996, Petitioner Hoffman's previous wife, Penny Hoffman of Omak Washington, came to visit him and relayed to him that a female who had worked in the prosecutor's office at the time of our trial said to her, my previous wife, that she the office worker had overheard Mr. Burchard one day, during the time of our trial proceedings, on the telephone saying to who was on the other end that "no, that weapon will never be found. We made sure of that." the lady said to Penny that our case - McGinnis-Hoffman, was the only case at that time which had a missing weapon. When asked to file an affidavit concerning this she said she could not in fear of her life, that at least two other people in the area had mysteriously died who had been investigating things surrounding the McGinnis-Hoffman case.

Petitioner affirms that, based on most, if not all previous points in this petition that prosecutor Burchard and Special prosecutor Hicks, from federal Court in Spokane entered into a conspiracy with

All officers had to hand in their weapon for forensic analyzes, immediately.

Administrative officer John Dick refused and hand his weapon in after half trial

Nobody had questions about this suspicious behavior?

Is this aloud in Court? Sure NOT.

John Dick was protected by Burchard and Burchard by John Dick who knew that Burchard made "Spoilation of Evidence".

The then Colville Tribal Council members to fabricate, for pay, a legal action against petitioner and his father to defraud the public to cover up the murder of officer Millard and place the blame on petitioner and his father,

Petitioner affirms that at the time the State rested in its case it was evident that there was insufficient evidence presented to convict McGinnis or Hoffman and defendants attorneys petitioned the court to dismiss but the judge refused,

Petitioner affirms that Judge Joanne Ahumbaugh, the judge presiding in petitioners trial was terminally ill 2004 and passed away, but before she did, in fear of losing her immortal soul, she requested her husband Mr. Richard V. Ahumbaugh, to do all he could to have me set free since she was sure she had imprisoned an innocent man. Mr. Ahumbaugh came to my previous wife and said that to her and asked for all the trial paperwork this was in late 2006 and he came to me in early 2007 with his assistant, Judith Christie who later became his wife, and told me the very same thing, in the presence of Judith, their visit record is on my visit file with the D.O.C. (See Richard V. Ahumbaugh affidavit included with this Petition.)

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II Jury instruction.

The Prosecution, over defence attorney's ^{objections} was allowed to instruct the jury at the beginning of the trial that they were to view all the evidence and testimony in the case in the light most favorable to the prosecution. This was, is harmful discriminatory error, the same as instructing the jury that only the prosecutor is telling the truth and what ever the defence attorneys or the defendants state or present to you is untrue so you are required to find them guilty. That is your only choice. Such ^{Irreparable} damage can only be cured by petitioner's request for remedies.

The question needs to be asked, what would you do when the ones who are supposed to provide public safety for everyone clandestinely sneak on your father's property in the dark of night and commence to shooting everywhere with no regard or care for human life other than their own?

When ^{Government} calls citizens into the military, those inducted give an oath to protect the Constitution and the United States from all enemies both foreign and domestic.

I know at least 3 of these tribal officers were in the military yet my father and I were the ones warding off an unwarranted attack by police officers.

— defense attorney Bud Gardner, mid trial during the case for defendants Elmer McGinnis had the bullet removed that had been received from one of the police officer shots, Mr. Bud Gardner, Elmer's trial attorney, took 35mm photos of the removal procedure and the bullet itself, the photos were to be entered as evidence and comparison made between the bullet taken out of Elmer and the Bullet removed from Millard's body, that did not happen.

What did happen was that Bud Gardner gave a county deputy the bullet which was to be entered in court the following Monday. When the bullet was entered Elmer examined it and said it was not the bullet taken from him as he had examined it quite thoroughly before Gardner gave it to the officer, the photos were not produced by Gardner to anyone until 2003, a year after my father's death in prison.

The film was given ^{by Gardner} to my previous wife Penny Zippman who took it to the photo mat in a mall Shopping Center to have the film developed and copies made in 2 sets one of which Penny sent to me at that time. Copies may still be obtained from the Photo mat.

In comparing the photo of the bullet taken from Elmer to the one taken from Millard the lands and grooves markings on each is so similar as to be fired from the same weapon which supports that Mr. John Dick shot both Millard and McGinnis.

To understand why Mr. Gardner did not enter

the film as evidence you need to know that at or before the time of trial for McGinnis and Hoffman, Mr. Gardner was also facing a possible marijuana charge which would have taken away his career as an attorney. A deal was made between prosecutor Buschard and Mr. Gardner that if he did what he was told to do by prosecutor Buschard, pertaining to the handling of the defense of Mr. McGinnis, that the marijuana charge would go away.

So here we have prosecutorial misconduct and ineffective assistance of counsel all rolled up in one package so to speak.

Viewed in its proper light the scene becomes clear that prosecutors were not carrying out their duties but were managing personal interests.

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Inditement under the Wrong Statute.

Petitioner affirms that the Jury in his trial had been Society conditioned into adding weight to prosecutor statements rather than weight of evidence even before the jury direction "to view all evidence in the light most favorable to the Prosecution."

That being the Society of Citizens belief that "they must be guilty or the prosecutor would not bring charges against them" and the still present adage that remains within the white community, but few if any admit it, remains, is "The only good Indian is a dead one". So their consciences are lightened by the prosecutor only seeking life sentence without possibility of parole. Calculated conditioning to have citizens condemn their fellow citizens without guilt.

We were tried for two charges, first degree premeditated murder of a police officer and first degree premeditated assault of a police officer.

Judge Alumbaugh had told the prosecutors outside the court room that the charges and information was deficient. She later stated the same to the court without the jury present. The prosecution tried desperately to obtain the judge's consent to revise the charges and the information which the judge refused to allow.

Had the charges and supporting evidence been factual and true and sufficient the second charge would not have been first degree premeditated aggravated attempted murder of a police officer, seeing that

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in a true charging, with proper evidence, one charge would follow the other and support each other within chronologic events, evidence and testimony.

An evidential finding of first degree premeditated aggravated murder as one count would therefore within the boundaries of this incident, support a second count of first degree attempted murder, premeditated aggravated. Not first degree assault.

That being said, the prosecutor(s), more concerned about the possibility of losing their cases (because the accusations were untrue to their knowledge) even with the direction to the jury to view all the evidence in the case in the most favorable light of the prosecution, installs a jury direction that they must first find defendants guilty of first degree assault. This tactic was calculated and used to desensitize jurors with the use of this lesser charge so that it would be easier for jurors to ascribe guilt to defendants being already found guilty of another lesser charge.

The result being guilty verdicts found based on prosecutor calculation and direction rather than weight of evidence.

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Request for appointment of council

Therefore I am requesting appointment of a highly qualified attorney to properly present my issues to the court and to assist in properly addressing these issues in a comprehensive and understandable manner to the court so the court may truly understand the impossibly heavy burden which petitioner has been placed under these 31+ years of incarceration.

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Also, how is it that a tribal EMT, M. Bush, a NON Indian leaves the tribe during Hoffman and M^cGinnis trial and becomes a prison guard in Walla Walla, and upon M^cGinnis and Hoffman's arrival there, she tries to get both, father and son murdered by other Indian prisoners and when it is reported she is let go and went back to the Indian Rez.

Also, "let me say it decent" the real wrongdoers you understand now who they are, had to find someone guilty to stay themselves out of prison.

Mr. M^cGinnis passed away in December 2000 INNOCENT, my goodness, how that man must have felt. Was noosing too much in the councils drugs business and gold stolen from Mount Tolman. All those tribal councils, (12) passed away of different kind of cancer, using cocaine, and alcohol.

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Department of Corrections Staff misconduct

Petitioner affirms that Department of Corrections accountants have, over 31 years, deducted funds from outside additions to petitioner's account that are improper, based on (1.) that petitioner is an innocent man and falsely incarcerated and (2.) that the deductions were promulgated into laws contrary to the state constitution and prisoner rights and used to discriminate against incarcerated prisoners and to oppress them financially seeing they have no representation in legislature workings, and (3.) that the legal promulgation wrongfully removed from the court at sentencing the choice to apply financial obligations of this nature to defendants at sentencing, and (4.) that such law change was as not in effect at the time of Petitioner's incarceration April 15 1987 and therefore acts as an additional penalty not required by the Sentencing Court.

Therefore I am requesting that the \$700⁰⁰+ dollars taken from me over the course of 31 years be returned to me with interest.

Requested Remedies.

Petitioner Requests immediate release from Washington State Prison because Petitioner is innocent.

Petitioner Requests all criminal record held by all law enforcement in the United States be expunged.

Petitioner Requests all rights of citizenship be reinstated to petitioner.

Petitioner Requests that Drivers License Hoff-mp-6513DE be reinstated to petitioner with no expiration date.

Petitioner Requests that Concealed weapons permit in the name of Patrick H. Hoffman be reinstated to petitioner with no expiration date.

Petitioner Requests a valid Passport in the name of Patrick Gene Hoffman be issued to Petitioner with no Expiration date.

Petitioner Requests DoC be required to reimburse petitioner \$7,000⁰⁰ plus interest at 1% per month, Per year 12% for 31 years of use of petitioner's funds by the DoC.

Petitioner Thanks the Court for their time and consideration and favorable response.

Further the Petitioner Sayeth Naught.

Patrick H. Hoffman # 237336

RICHARD B. PRICE
A PROFESSIONAL SERVICES CORPORATION, P.S.
ATTORNEY AND COUNSELOR AT LAW
435 MAPLE STREET • POST OFFICE BOX 1687
OMAK, WASHINGTON 98841
TELEPHONE (509) 826-5110
TELECOPIER (509) 826-3237

June 6, 2016

Mr. Patrick Hoffman
232336 E-A-02
Coyote Ridge Corrections Center
PO Box 769
Connell, WA 99326

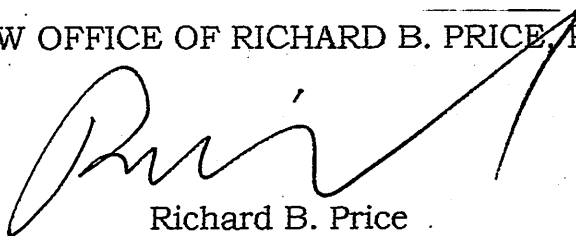
Dear Patrick

I have retained and still have the beaded medicine pouch you made and gave me many years ago. I see it every day in my office. I recently retired from the practice of law. In so doing, I am disposing of my client files. If you want me to send your files to a specific address, I will do so.

I am enclosing a letter that I have sent to the National Clemency Project on your behalf. If there is another address to which I should address my letter, please let me know.

Regards,

LAW OFFICE OF RICHARD B. PRICE, P.S.



Richard B. Price

RBP:sl

Enclosure: Letter to the Honorable Governor Jay Inslee
Hoffman, P.ltr.

COPY

June 6, 2016

RICHARD B. PRICE
A PROFESSIONAL SERVICES CORPORATION, P.S.
ATTORNEY AND COUNSELOR AT LAW
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Honorable Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

After 48 years of legal practice, I am retiring. I represented Patrick Hoffman, a Colville Confederated Tribal member, who was a co-defendant in a murder trial in Okanogan County Superior Court early in my career. Patrick Hoffman was a young man of 37 at the time he was caught up in his father, Elmer McGinnis', escalating dispute with the Colville Tribal Business leaders.

In this tragedy, during which the Colville Police attempted a night time raid on the Elmer McGinnis property, which was in direct contravention of the Chief of Police's order not to do so, a Tribal Police officer was shot and killed. Although Patrick was on his father's property at the time, he was not the shooter of the decedent.

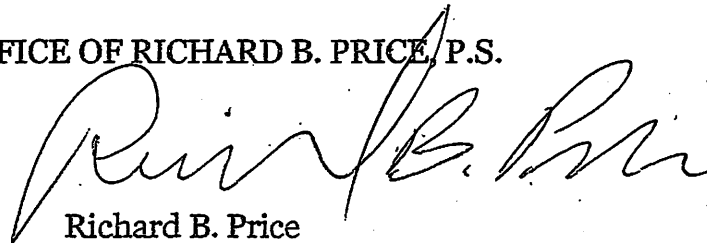
Patrick was and to my knowledge still is a bright man who is obviously much older now having served 30 years in prison. Patrick has been and is an exemplary detainee (prisoner). Patrick never was a criminal and will not be if released. Patrick has more than paid for any transgressions of his father, Elmer McGinnis, and should be released. Our country and society do not need another incarcerated individual in a situation where the incarceration serves no further purpose.

Your considered review and decision to grant Executive Clemency is the right thing to do and will serve the intent and purpose of our justice system.

Thank you.

Best regards,

LAW OFFICE OF RICHARD B. PRICE, P.S.



Richard B. Price

RBP:sl
Hoffman, P.ltr. to Gov. Inslee

COPY

RICHARD B. PRICE

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rbpattorney@ncidata.com

March 16, 2017

Mr. Patrick Hoffman and
Ms. Agnes Abramsen
c/o Washington State Penitentiary in Walla Walla
1313 N. 13th Ave.
Walla Walla, WA 99362

Dear Patrick and Agnes:

The first picture I saw from Agnes mailing had no writing on it. I assumed it was a cut-out from some magazine. I was and still am a little flabbergasted to learn they are pictures of you two:

1. You are both too good looking, and
2. I can barely recognize Patrick.

You two make a very handsome couple. I hope your visits in the coming weeks are fulfilling.

In getting what materials I still have available in my office for mailing to you, I read over some of the documents and pleadings. It caused me to get anxious all over again about the injustice of the outcome of Patrick's case. I truly hope Mr. Ken Abraham will be able to get the court's attention as to the need to change Patrick's sentence.

(a scoundrel, took \$2000, I sent from Brussel, and that was it, finished. I hate liars.)
My letter to Governor Gary Locke on January 24, 2004, along with the accompanying materials, is strong support for clemency in my opinion. It is located at the front of the expando folder.

Patrick, you are most fortunate to have found Agnes and I wish the best for both of you.

Very truly yours,

LAW OFFICE OF RICHARD B. PRICE, P.S.


Richard B. Price

RBP:sl

cc: Agnes Abramsen via email
Hoffman.Abramsen.ltr

AFFIDAVIT

Pursuant to 28 U.S.C. § 1746 No Notary Required

To Whom It May Concern as to Patrick Hoffman's Current Sentence:

My interest in Patrick Hoffman's sentence is based on a decade review of the McGinnis Hoffman trial initiated during Spring of 2004. My wife, Jo-Anne Alumbaugh, who was judge for Elmer McGinnis/Patrick Hoffman trial, had passed away the previous year. Upon clearing her possessions, I came upon file box of transcripts and notes for the trial. Reading the transcripts of the trial led me to do further investigation of key witnesses and consultation with lawyers and judges familiar with the case. In the process, I have written a book nearing final editing for publication in the near future.

In the book, I reviewed the evidence presented in the trial and legal arguments for both the State and defendants. The verdict was predicated on specific elements necessary for conviction of aggravated first degree murder. Notably, Sergeant Millard's status as a tribal police officer carrying out his official duties was key to the jury concluding the State prevailed in convicting both defendants of an aggravated murder. Another element that the jury considered was the accomplice liability standard in assessing the intent of the defendants. Panelists were given the instruction that the act of one whether direct or indirect that leads to lethal force or injury is evidence of malicious intent. The alleged murder weapon was never located. Jurists were not required to single out which defendant if any fired the fatal shot.

The following commentary is from the manuscript in its present edited form. With that in mind, I respectfully request the text be limited to a review of Patrick Hoffman's current conviction/sentence and not quoted verbatim in other documents.

Upon conviction and exhausting appeals, Patrick's sentence raises question as to parity for murder convictions. Consider that the infamous Green River serial killer, Gary Ridgeway, who was convicted of a total of 49 murders of women, mostly prostitutes, received the same sentence as Patrick Hoffman. Both defendants at least initially were assigned to serve their sentence in Walla Walla. There was no question Gary Ridgeway carried out these actions with extreme indifference to life carefully luring his victims to his pickup and methodically killing them by strangulation. King County Prosecutor Norm Maleng agreed to a plea reducing the sentence to life without parole - the same sentence for Patrick Hoffman. Mr. Maleng defended the plea bargain by arguing discovering the truth of what happened in unsolved cases took on greater value than carrying out an execution. The well known and respected prosecutor who took a tough line on capital cases achieved his objective. Gary Ridgeway gave multiple details leading to remains of many of the 49 victims in addition to possibly some twenty other victims who may have been his target also. While Mr. Maleng's reasoning has merit as to solving crimes, what precedent does this make for cases such as Patrick Hoffman?

Consider another Washington murder case where prosecutors invoked the aggravated murder statute against Charles Champion, an 18-year-old troubled youth. The defendant was charged for the murder in 2001 of Des Moines police officer, Steven Underwood. Prosecutors initially sought the death penalty. The

~~officer had stopped to question the youth who was walking along Pacific Highway with other teens. Champion, who had a record of assaults, fired four shots at the officer – one bullet directed to his head. The death penalty was only averted by the 18-year-old defendant after he agreed to plead guilty. Four years later after delays and a bevy of attorneys representing Champion, the defendant was sentenced to 26-34 years after prosecutors agreed to reduce the charge to first-degree murder. While mitigating factors linked to Champion's age and background may have weighed in the prosecutors' final decision, Champion's final guilty plea to the murder charge resulted in sparing him a life sentence. In the Champion case, there was no question as to intent of the defendant given his actions or that Officer Underwood was carrying out his official duties as a police officer.~~

Patrick Hoffman opted to try his case with no lesser included instructions to the jury. In other words, ~~Patrick was not about to concede he was guilty of any crime. Should a defendant be given a maximum sentence for arguing his innocence? Why would defendants receive a more severe sentence when pleading their innocence throughout their trial when with the Ridgeway and Champion cases the defendants avoided the death penalty in the former case and a life sentence in the latter by making plea bargains? The State's case against Hoffman never established beyond doubt who killed Sergeant Millard. By comparison, convincing evidence was ultimately put forth in the Ridgeway and Champion cases of their likelihood of conviction. With good time, Charles Champion will be released at age 44 – while Patrick Hoffman faces the likely prospect of never being released. Equal justice is needed in his sentence.~~

I, RICHARD ALUMBAUGH, am over the age of majority and competent to testify and herein attest under penalty of perjury that all statements contained herein is the absolute truth.

Affidavit pursuant to 28 U.S.C. § 1746 and DICKINSON V. WAINWRIGHT, 626 F. 2d 1184 (1980) sworn as true and correct under penalty of perjury has full force of and does not have to be verified by notary public.

Respectfully submitted on this 7th day of FEBRUARY, 2017.

Richard Alumbaugh
Signature

RICHARD ALUMBAUGH

Print or Type Name

RETIRED - PROFESSOR

Institution

5873 S HENDERSON CANYON DR.

Address

GREEN VALLEY, AZ 85622

City

State

Zip

At Coyote Ridge Corrections in Connell P. Hoffman, as other natives receive funds from Cobel Settlement Agreement and Tribal funds in Dublin, Ohio.

The funds from Cobel were actually a restructured pay out based on several deceased members of the class action, Hoffman's sister being one of them, but this was not part of a WILL.

The money comes from the Settlement restructuring. Hoffman consulted his councillor and she connected a phone conference with A. Simpson who claimed that it was allowed, she was told to do the deductions, so she did.

Now, if it was a inherent tax as they claimed that would be 10% deduction.

Then they said 15% deduction for crime victims compensation, and 10% cost incarceration.

In fact, they took almost \$300.00 = 25% instead then 10% as they claimed for inherent tax, so... 15% too much, where they had no right at all.

And because my husband said that is was not right and it is the same as stealing in the name of the DOC, almost \$300.00, he was sent to the "Hole" from 3 November until about 10 December. Also, before the hearing officer, Mr. Scantlin said:

"What ever you say, I will find you guilty."

After the "hole" they sent P. Hoffman immediately to Walla Walla which costs Hoffman \$90.

Had to send many things to his family, his guitar had to get out also, I took it with me to Brussels, so he had to buy an other, while in other prisons the same guitar was no problem.

All the stuff and guitar costs him about \$1,000 psychological torture on a INNOCENT MAN. Some guards are acting as criminals, but because there is NO control, they can do what they want, I know it very well, experienced it. If there are problems, the prisoners have the right of a lawyer but the guards think that they are and they are NOT.

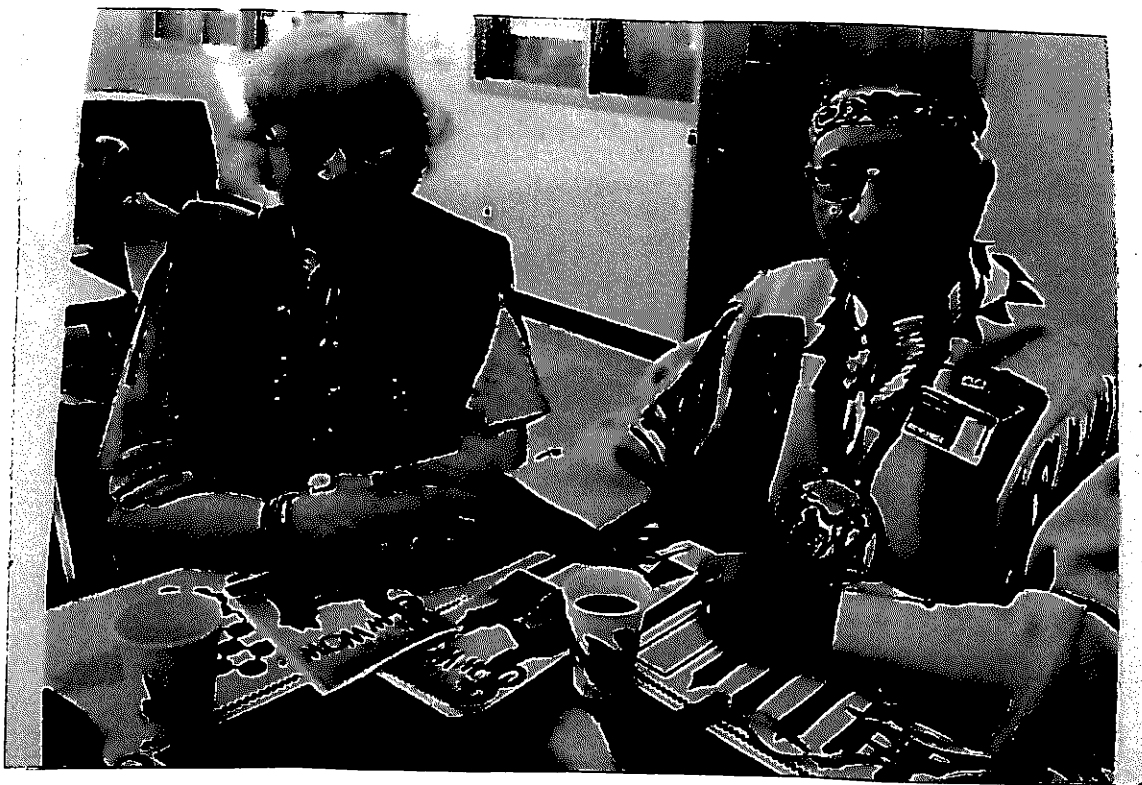
DOC made once an effort to blacken Hoffman's name while he helped to make good programs for prisoners who were almost ready to go home, so it would be easier for them to find work.

Hoffman, after two years should have gone to the "minium", but every time they took his points off because he was so-called a cop killer, while the real cop killer is outside, and no one of his family like John Dick, believe me I have heard enough when I was in the Rez.

While Hoffman is suffering 31 years in prison for a CRIME he, NOR his father McGinnis committed.

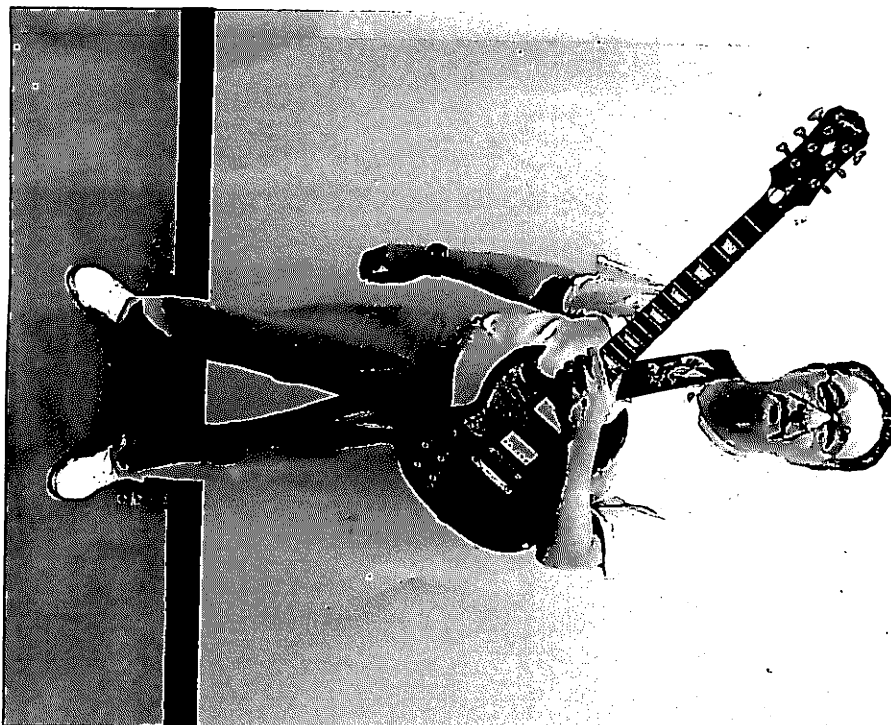
Prosecutor Boole really wanted to help Hoffman but was afraid for his family life because some people who wanted to help, passed away in "weird" circumstances, the family is afraid, I am Dutch my ambassador and consul knows, but there is nothing to be afraid anymore because all those wrongdoers passed away as I wrote earlier. There is just John Dick and Mr. Burchard, for me that personage, liar is no prosecutor anymore.

Hope to be happy in the autumn
of our life.
Patrick is INNOCENT



Agnes and Patrick

Patrick Hoffman



Patrick Hoffman, musician,
songwriter and singer.
rock and roll, country music.

-I-

I. INTRODUCTION

Patrick Gene Hoffman, hereinafter referred to as "Patrick" or "Mr. Hoffman", is a sixty-eight old prison inmate who has been incarcerated 31 years. He is presently housed at the Coyote Ridge Corrections Center in Connell, Washington

In this, his first bid for Executive Clemency, he is strongly supported in this effort by family and other citizens, and it is prayed that the Governor of Washington will conclude the ends of justice have been achieved and his "debt to society" sufficiently paid so that he might be released from further incarceration under such terms or conditions deemed appropriate.

II. BIOGRAPHICAL PROFILE

Patrick Gene Hoffman was born in Nespelem – Washington on March 5, 1949, and is a member of the Colville Confederated Tribes of Washington. As a child, his father, Elmer E. McGinnis at six ^{months} ~~years~~ old, placed him in the home of Helen and Clarence Hoffman. He knew himself as being a Hoffman until his mother's death at the young of age of 13. Patrick had a good childhood through lots of memories of grandma and grandpa Ferguson, and other children, his adopted nieces and nephews.

Patrick had a great love and fondness for animals throughout his entire life. He was blessed with parents who cared for him and helped nurture the love and caring for animals by providing him with two young wild horses at an early age.

In school, Patrick was a quick study in all areas of education and started with music as a trumpet player in his first year of school continuing throughout high school.

He was part of a 4-H horse program with other kids his age that owned horses and had sponsorships from two businesses, which made him able to

prepare for equestrian performances in rodeos and fair events in Eastern Washington.

At 15, Patrick, with four other fellow band members, was able to enter and win a battle of the bands contest at the Davenport Hotel in Spokane Washington in March of 1964. It was a Muscular Dystrophy marathon where part of winning was to meet and be on stage with Jerry Lewis and Sammy Jackson. Patrick also collected \$3,000 in donations in the Inchelium Community to be presented live on-air to Jerry Lewis. He also performed live for Spokane television viewers in the Northeast Washington area.

After high school, graduating with a 3.85 GPA, Patrick attended Central Washington State College, where he met and married his first wife, Marion L. Page Hoffman. His son, Robert, was born. Patrick worked and studied seeking a better life while working at Northwest Metal Production in Kent, Washington, fabricating sheet metal for home construction and improvements. He went on to attend Highline Community College in Des Moines, Washington, and later the University of Washington. Patrick subsequently changed jobs and began working as an assistant manager for Tri-way Industries in South Center Parkway, Seattle. He helped build and furnish the three Coast Guard Ice Breakers that later opened the water

passageways to point Barrow Alaska, for the Alaska oil producers.

After the failure of his first marriage, and constructions jobs ended, Patrick started working as an auto salesman and musician in the Seattle area. He worked at paying off debts from his marriage totaling \$26,000 and was able to do so in a little more than 18 months. He was debt free for the first time in seven years.

Thereafter followed the recession in the northwest and Patrick moved back home, to the reservation, doing odd jobs such as resort maintenance for Rainbow Beach Resort in Twin Lakes, Washington; bouncer for Twin Lakes Tavern; and office manager for Ferry County Construction District. It was with the Ferry County Construction District that Patrick served as an intern specialist helping prepare a 1,000-page long-range plan of land for Ferry County. When that project grant ended, Patrick went to work for Colville Confederated Tribes as an employment interviewer, then as program manager for the area on aging. These positions earned him master's degree equivalency, certificates in business administration, public relations, personal management, and land use management, grant writing and business law.

Subsequently, Patrick used these newly learned skills in managing his family members' logging and cattle ranching businesses. Also, with his learned

skills in equipment operation and animal training, he became a valuable member of the family's business ventures.

After a few years of this work in these markets, both areas began to drop off and Patrick went back to playing music and working at Pace Maker Industries in Spokane constructing rest stops and guard rail sections of highways along with other safety features for Washington State Highways System.

Patrick then went back to what he knew best, music full time, and was able to acquire engagements for a five piece musical group called "Generics". Gaining a strong following and reputation for a good popular music sound and began working to be signed for recording and concerts.

Then the actions that got Patrick to Coyote Ridge Corrections Center...saving his father's life (Elmer E. McGinnis) from being killed by renegade tribal officers happened.

III. SUMMARY OF THE CASE

What follows is a summary of the facts of the case for which Mr. Hoffman stands convicted as gleaned from documents presented to the appellant court and Petitioner's recollections.

Stated in the simplest terms possible this case is about an ill-managed, poorly administered Tribal law and justice system, which went out of control. It is universally conceded that Elmer McGinnis was persistent and irritating in his critiques of the Tribe's management of reservation affairs. Testimony at trial proved over and over again that the Tribal law and justice system, because of lack of proper training was incapable of dealing with Elmer McGinnis.

The Tribal prosecutor in response to mounting political consternation over McGinnis sought to neutralize the ruckus by legal maneuvering. Through the reservation rumor circuit, he became aware in July of 1986 of the dispute between McGinnis and a neighbor over the failure of the neighbor to pay for a motorcycle that McGinnis' daughter had sold. Significantly, no type of charges were filed until much later when a Tribal Council member related hearsay comments he had picked up, and interestingly, no charges of assault were ever filed. Sensing the chance to heroically solve the "Elmer McGinnis problem", the prosecutor, without any independent investigation proceeded to file a criminal complaint in Tribal Court on August 14, 1986 charging McGinnis with trespassed lands.

The complaint was sent by certified mail to McGinnis' post office box and directed him to appear on August 29, 1986. On August 21, 1986, a full eight days before McGinnis was ordered to appear, the certified mailing came back marked "refused". Acknowledging that Elmer McGinnis could be irascible and cantankerous, the prosecutor made an assumption that McGinnis would not appear. He went before the Tribal Court and demanded that a bench warrant for McGinnis' arrest be issued even though it was not a crime under the Colville Criminal Code to refuse to accept a certified mail letter summons. Nonetheless, the prosecutor obtained an arrest warrant solely based upon McGinnis' failure to appear on the trespass lands

charge, even though his appearance was still a full eight days in the future. The police had made no attempt to execute the arrest warrant and to apprehend McGinnis, as they were nervous about going to his premises in broad daylight.

It was established that the Tribe has a well-staffed medical department, which holds training sessions on how to deal with individuals presumed to have mental problems. However, the police chief testified that during his two-year tenure, neither he nor his staff availed themselves of the training sessions. The police chief sought counsel, albeit belatedly, from the mental health director on how best to deal with McGinnis. He was strongly advised to approach him in a "non-threatening manner". As it turned out, McGinnis came to the police. Fatefully and innocently on August 25, 1986, McGinnis made a trip to the Tribal headquarters to complain about perceived emergency service mismanagement in responding to an injury accident. The ensuing fracas is well documented in the trial record, with the end result being that McGinnis was indeed arrested and then immediately transported by ambulance to two health facilities in response to his complaints of pain in his chest and from trauma.

It is important to note here that the Tribal Police Chief relieved himself and one-third of the police force from their duties in anticipation of brutality charges being filed over the arrest incident.

Later that same evening, McGinnis was removed from the Okanogan County Jail, where he was being held as a courtesy of the Sheriff, and taken to the hospital. The hospital admitted McGinnis on the basis of chest trauma and the Sheriff's office notified the Tribe that McGinnis was no longer in their custody and that they had no hold on him. _____

The next day the family met with the Tribal prosecutor and family attorney, William Cottrell, who assured the Tribal prosecutor that he would produce McGinnis for a mental health evaluation and at the arraignment. At trial, both the family and their attorney testified they felt secure that the matters had been worked out. No guards were posted at the hospital. The Sheriff's office had requested McGinnis' permission to release his belongings to his family and when the doctor discharged McGinnis, he properly felt free to go.

Anxious to return home to rest, McGinnis and his children proceeded homeward in broad daylight on the main highway. McGinnis became panicky when he observed a police vehicle turn around as though to follow him. He demanded that the family turn off a remote road to let him get out of the car. It is patently clear that in McGinnis' mind the police were "coming after him" and that they were unwilling to allow him to present himself along with his attorney at the agreed-upon mental evaluation and arraignment.

Patrick Gene Hoffman was caught in an untenable situation and forced to make an instantaneous decision to either abandon his injured and sick father or to accompany him over rough terrain toward home. He chose the latter. Hoffman took his bag, which he carried with him everywhere, because he, and not his sisters, had the permit to carry firearms. Worried that if the guns were found in their possession, there would be more trouble, Patrick lawfully kept them with him. While retrieving his bag from the trunk, he spied some flares and took them to use as a last resort in case his father couldn't make it.

If, as the prosecutor claimed, McGinnis and Hoffman were planning an ambush in order to kill police, what better place than here? How easy it would have been to wait on either side of the road for the pursuing police and catch them in crossfire. The question begs to be asked at this juncture, "To what end?" What would have been gained?" Indeed their actions make sense only in light of the defense's contention and prosecution's admission that Hoffman and McGinnis were trying desperately to avoid contact and confrontation.

The daughters immediately called attorney Cottrell to see what had gone wrong, and why police and prosecutor were unilaterally revoking the agreement to produce McGinnis at the mental health evaluation and the arraignment. When contacted a short time later by the Tribal prosecutor, Bill

Cottrell begged the prosecutor to defuse the situation by having the police wait until daybreak. Cottrell reiterated that McGinnis had always followed his advice and he would produce McGinnis for whatever hearing or arraignments were desired.

As an illustration of the mindset of the police at this point, the McGinnis' daughters were pulled over and with police guns held to their heads, were searched, handcuffed and arrested. One is simply left to wonder at the incredible show of police force over a Class "D" offense. As a sideline, it must be noted that no prosecution of the McGinnis' daughters ever ensued.

Frustrated over their mishandling of McGinnis' discharge from the hospital the police into motion a gargantuan manhunt. However, at 1:00 a.m., the unsuccessful force met at headquarters in Nespelem. Recognizing that his men were tired and frustrated, Chief Smisken ordered the search called off until morning. Assistant Chief Dick confirmed Smisken's testimony that the search was called off because they knew it was too dangerous to proceed at night. Two officers were left for surveillance of the McGinnis' house with no plan of what to do if McGinnis did show up other than to obey the chief's order to wait until daybreak. ^{Dick} Did testify that the police assumed McGinnis was simply trying to avoid contact with the police and was on his way home. Because the police

would not ^{Obey}~~obey~~ Chief Smiskin's orders calling off the search – events were then set in motion culminating in tragedy for all concerned.

At approximately 2:00 a.m. on the morning of August 27, 1986, surveillance Officer Phillips saw two people walking openly, not “sneaking”, under a street lamp headed for the McGinnis residence. Phillips advised Sergeant Millard by radio. In direct contravention of the Chief's order, Millard ordered Phillips to make contact.

In the interim, Hoffman and McGinnis, finally arriving at home, tried the front door. Finding it locked and without house keys, they stood there in plain sight trying to decide what to do. Before they could decide on a course of action, lights suddenly started coming on from the outskirts of the yard.

None of the usual activities a citizen has come to identify with lawful police action were employed. No flashing police lights were used, nor were any sirens. No announcement of police presence was made, although bullhorns were available. No call to come out and surrender was made. Police radios were turned down so they couldn't be heard outside of the cars. Confused by the sudden display of lights and eerie silence, Hoffman and McGinnis, retreated up the hill behind the chicken coop.

Dr. Cressey, a psychiatrist, testified that McGinnis interpreted the

situation in the most negative light possible. Dr. Cressey testified that McGinnis was certain the police were out to kill him, not just to arrest him.

Assistant Chief Dick testified that he knew any nighttime search to the McGinnis property would be extremely dangerous. He also admitted that simply following his superior's order to postpone action until morning could diffuse the dangers. In spite of such damning admissions, the police, with guns drawn, commenced a full out assault. Furthermore, a night scope which would have allowed police to view the property at a distance was called for, but the individual officers went off on their own without waiting for it to arrive even though it was a short distance away. Officer Phillips remembers seeing Millard with his gun drawn at the beginning of the search. Testimony from the police proved that it was so dark that even they were completely unable to identify one another or to ascertain the whereabouts of one another. With no plan of action, the police proceeded with their frenzied descent onto McGinnis' property. Officer Cardin assumed all police personnel would remain outside McGinnis' fenced yard and that only a perimeter search would be conducted.

As Assistant Chief Dick proceeded up the fence-line to the McGinnis' property, he inexplicably decided, without benefit of an arrest warrant or a search warrant or notice to his fellow officers, to proceed onto the McGinnis'

property. He testified that he didn't know the whereabouts of fellow officer Millard and was "surprised" to find that he was behind him as he crossed the fence into McGinnis' backyard.

Officer Phillips, Cardin and Clark all testified that at some point, they heard Sergeant Millard yell, "Hold it!" They thought they heard somebody respond with "Fuck You!" This exchange of words was immediately followed by a large caliber gun (consistent with police firearms) being fired. Phillips testified that he observed gun flashes being fired in the direction of Millard and Dick coming from the vicinity of the woodpile and an abandoned car located in front of, not behind the chicken coop where Hoffman was located. Phillips also observed Dick returning fire in the direction of the woodpile. There was a short pause and then more shooting. Phillips observed Millard backing up while shooting in the direction of the woodpile, then falling to the ground during the first volley. Sheila Cleveland, a neighbor across the street, who witnessed the entire event, corroborated this. She testified that the first shots fired came from the yard area in front of the chicken coop. Officers Carden and Clark were the only persons identified as ever being in the vicinity of the woodpile or of the abandoned car.

Hoffman testified he was behind the chicken coop and at the opposite end of McGinnis. When he heard the shots, he turned to see the silhouette of his

father slump to the ground. He admits he then took his .22 revolver and, unable to see over the top of the chicken coop, shot up into the air in an attempt to draw fire away from McGinnis. After reaching his father at the other end of the coop, he fired the .45 at gun flashes in the yard. Realizing they were overpowered and could not protect themselves, Hoffman and McGinnis fired guns and flares in desperation hoping that their attackers would be held at bay. At this point, Hoffman believed that they were, in fact, being hunted down in cold blood.

Hoffman, trying desperately to carry his father over the two backyard fences, dropped guns and paraphernalia as he went. McGinnis told Hoffman that he was dying and pleaded with Hoffman to leave him. Hoffman finally did so and walked in the backcountry for the next day and a half, finally arriving at the home of his friend, Jeff Epperson, near Keller, Washington. Epperson believed Hoffman in res gestae form, answered his questions truthfully. Hoffman didn't know who was shooting and thought his father was dead. Afraid of the Tribal Police after learning that Millard had been killed, he agreed to surrender to the Okanogan County Sheriff. Mr. Epperson and Fred Leskinen, knowledgeable with and fearful of the Tribal Police tactics, disguised Hoffman so that he could be safely transported to turn himself in.

The issue in this case is precisely whether a citizen has the right to expect its government to conduct law and justice in a predictable and rational manner. The Tribal law and justice system failed to act rationally in regard to Hoffman and McGinnis. The defendants were unable to make any sense out of the behavior of the police. It made no sense that a tribal citizen charged with a Class "D" offense, with no prior criminal history was being pursued with this degree of lethal force for "missing" a hearing date that was still eight days in the future.

IV. INSTITUTIONAL HISTORY AND ACCOMPLISHMENT

Patrick Gene Hoffman was incarcerated at Washington State Penitentiary from 1987 through 2002. He worked in the kitchen for a year, the laundry for a year, property for a year, gym porter and custodian for ten years, and gym floor maintenance and hobby shop clerk for a year. In 1989, Patrick helped develop a custodial instruction course at Walla Walla Washington State Penitentiary.

From 2002 – 2003, Patrick was incarcerated at Stafford Creek I.M.U

where he worked as a tier porter until release to C.B.C.C. While incarcerated, he earned an advanced electronics certificate in two years. From there he went to Washington State reformatory from April 2004 until 2011. He worked as a music program clerk, started the closed music program, and was hobby shop clerk for four years. He was then transferred to Coyote Ridge Corrections Center where he presently works as a laundry porter. Presently, Hoffman is helping a volunteer start a new music program.

V. RELEASE PLAN

Upon release from prison, Patrick will go back to his reservation. He has land there which needs to be worked. He has years of farming and ranching experience, as well as music experience, native jewelry making, and heavy equipment operation. Patrick has been preparing himself for eventual return to the community.

As letters in the Appendix bear witness, Patrick is blessed to have a

plethora of support from family and friends, all standing ready to be there for

him in any way they might be needed as he integrates back into free society and beyond.

VI. REASONS FOR GRANTING CLEMENCY

A. Maturity, Remorse, and Amendment of Life

There can be no doubt but that Patrick is not the man who entered the prison system almost twenty-six years ago. His character and values transformation have been remarkable. From listening to his words, conveyed through his letter from the heart, it is clear that he realized he could not go back and write a new beginning to his life story, so he steadfastly determined to start from behind his prison walls and begin to write a new and honorable ending to it. Once he found his direction, he has never veered from his course.

B. Institutional Adjustment and Achievement as Evidence of Ability To Act as a Responsible Person

Favorable consideration should be given to individuals who present proof of

Ability to act as a responsible person. Such proof may be offered through evidence of significant institutional achievement, such as work history, program participation, and educational accomplishments or by providing evidence of good institutional citizenship. Mr. Hoffman has certainly provided such proof. His outstanding institutional history and conduct exemplify the development of maturity, responsibility, and a peaceful disposition. He has given of himself tirelessly and selflessly in an effort to better the lot of his fellow inmates.

Patrick has made an excellent institutional adjustment and is a model inmate. He gives due respect to staff, officers, and his fellow inmates. He is following all rules and regulations to the letter, and demonstrating that he is capable of entering society as a productive citizen.

C. Family and Community Support

Patrick Hoffman DOC.#232336
Coyote Ridge Correction Center
Unit ~~EB-38~~
P.O. Box 769
1301 North Ephrata Ave.
Connell, Washington 99326
~~Inmate (Victim)~~

Ronald Stratton DOC.#279556
Coyote Ridge Correction Center
Unit(C) B-28-L
P.O. Box 769
1301 North Ephrata Ave.
Connell, Washington 99326
(Assistant)

Found Guilty by unsubstantiated
facts and cover ups?

January 20th, 2014

TO: -----

from: Agnes Abramsen
Ave. Albert 2 E 19
1190 Brussels
Belgium

RE: Mr. Hoffman is calling for a
combine investigation into
the intentional oppression
of his year old question-
able homicide Case, he has and
will suffer wrongful tyranny
injustice, persecution, sub-
jugation, autocracy, despotism,
bullying, maltreatment, brutality
of harshness of abuse, at the
hands of Federal, State, Indian
Country Cover ups.

Dear Friend:

My name is Ron Stratton, I am currently assisting Mr. Hoffman
in his endeavor's not just to obtain his freedom, but to institute the
investigation of truth to murder, attempted murder, "Coverups",
perjury, frauds, beatings, and last but not least GREED.

It isn't often that I become upset enough with an inmates case,
and I having only a brief six (6) years of law school some years ago
find the need and drive to seek out assistance in their situation.
After reading studying and researching Mr. Hoffman's case it left me
both angry and frustrated and more than a little disappointed in the
judicial system that govern's this great land of ours, let alone man
kind.

Although I consider my self a novice law assistant, I am far
from knowledgeable about the different types of material your depart-
ment would require to persuade you to join our audience of professio
al, and proficient academicians currently "aboard."

This case has all the ear-marks and cover ups of Rubby Ridge
with Randy Weaver, and Kevin Harris .

The Case of Chris Hansen v. State of Montana, a homicide case that was over turned only after Chris and I found Evidence in the production of County and State Coverups, as well as by State District Court evidence that was beyond tainted. Here in Hoffmans case in the roots of the production of the case, one finds an accumulation of disregard to justice, its a discovery of a propulsion of discrimination that embody both death and tragedy for both the alleged assailants and victims, dead and alive.

There are as many rongs to this story and tragedy, as in the Book called the UNQUIT GRAVE, by Steve Hendricks, involving many of the same commissions as those alleged in Oglala, and of Wounded Knee, in Hoffmans case possibly, inherently harboring some of the same character's lacking any ethical traits and the moral excellence for a worth and honest conviction. Mr. Hendricks address is P.O. Box 2148 Knoxville, TN. 37901-2148. Steve@S-H.Org.

After grooming evidence, documents, and briefs by both prosecution and defense specifically to the alleged chain of events, I have found Mr. Hoffmans statement of events to be substantiated with great vilidity. Although Hoffman I find to be likeable, its not because I would simply like him to go free, but because most of all of what Hoffman has stated or lays to claim is supported by evidence, some that has even been mis-placed so as to speak by both State and Federal Agents.

Herein this instant case Hoffman is the victim to a reaction of events, that were taking Place between his father Elmer McGinnis and officials with in the Ground of Indian Country.

Therefore I have decided to assist Mr. Hoffman to wright the wrongs that he has and is currently suffering by coverups, greed and deceptive motivation, giving presumption that charges and evidence was ill-equipped to Judge authenticity, or the adequacy in the production of this case let alone the likelihood of any realistic discovery, most I have found to be unrealistic discovery manufactured by State, Federal Agents, and BIA.

Mr. Hoffman continues to suffer through these wrongs by years of incarceration for some thing he is not guilty of, and was framed as the fall guy along with his father many years ago, his father being Elmer McGinnis, that has now passed after years of incarceration while serving out a life sentence. All for a alleged crime filled with coverups, framing, perjury, frauds, beatings, murder, and attempted murder.

This all stemmed from circumstances due to Elmer McGinnis knowinf and attempting to disclosing a grave amount of illegal activity and corruption on Indian Lands, some of which the FBI had their fingures in the pie. Unbenounced to McGinnis his complaints would change he and his son Patrick Hoffmans life forever, and cost one man serious injury along with McGinnis, and the death of Officer Millard, When Hoffman and McGinnis were forced to defend them-selves, on the McGinnis Property in self defense, and Hoffman shooting no one. Their bullets never proven to hit no one but wart of attackers.

This case arrives out of a shooting on the Colville Indian Reservation in Nespelem, Okanogan County, Washington State, August 27th, 1986, involving Elmer McGinnis and Patrick Hoffman, both Tribal members. McGinnis as stated is now deceast.

The event brought about gun shot injuries to not just McGinnis, but a result of the shooting death of Sergeant Louis Millard the evidence does not support Millard being shot by McGinnis or Hoffman, but rather friendly fire or intentional fire from his own officers.

Millard was a police officer employed by the Colville Tribal Police Department, Millard was also appointed as an Okanogan County Deputy Sheriff and served in that capacity continuously from 1979 until his death. At that same period he was known to be moonlighting for security with several Casinos, questions and eye brows were raised as to the type of security being provided. It was alleged on the reservation, that Elmer McGinnis knew way to much for his own good and had to be delt with.

Officer John Dick held the position of assistant chief of the Tribal Police department from 1980 until January of 1987. He also was commissioned as Okanogan County Deputy Sheriff. Both Dick and Millard were commissioned as police officers also by the BIA, Bureau of Indian Affairs. This was all a result of Mr. McGinnis knowing of the many questionable if not shady dealings within Indian Country, involving BIA, AIMERS, FBI, and Coville Tribal Counsel, some Tribal Counsel Members were already known to have questionable conflicts with local law enforcement, but yet remained holding office, while the look the other way objective was endorsed.

In one instant a corruptible rumor of large quantities of GOLD BEING ACQUIRED ILLEGALLY, OR BY LESS THAN PROPER PROTOCOL, of a legal and preliminary memorandum through a diplomatic and financial sound negotiation, to include all agencies of local and federal government, including the respected laws of Indian country.

Some of these alleged and questionable dealings were said to involve agents or actors that were at Oglala Nation, and Pine Ridge, one stemming from the investigation of Anna Mac Aquash, Lenore Peltier, Dennis Banks, and the background of Jumping Bull Ranch.

We are asking that you assist us and a professional group of individuals to review information that is somewhat comprehensively available to assemble a building block theory to accurately apply foundation that some of McGinnis's and Hoffmann's innuendo's by virtue may truthfully have validity to them.

While you and your department ** find justice and self satisfaction, Mr. Hoffman will seek justice and relief from any unjustified taint on his character and credibility. Hoffman at most adamantly should have received no more than (10) ten years for any role in a possible manslaughter charge at most, if any time at all. Not life without parole for a crime he had not committed.

At the time it was known to Patrick Hoffman that not only was his dad Elmer McGinnis alleging there was a price (reward) on he McGinnis's head, but Hoffman was able to confirm that a boundy did in fact exist, by others living in Indian Country giving credit to McGinnis's statement's and Hoffmans concern's over his father's welfare.

As for my self as I have said I do not take interest to just any case or complaint, after all we do need prisons, my self I am guilty of a non-violent crime, but all the same I will do my time and go home to my wife and family, I only hope that Mr. Hoffman can do the same, for he has life without parole, or his family.

As I have indicated I have worked with several over the years one was a homicide case the othe a cop shooting where the officer was the drug dealer, the case was over turned and the inmate set free, in Montana.

Another was Don Paradise a death row case, I was only one of eight paralegals on that case, Idaho had brought Don up for excution at least (4) times finally after Paradise spending almost 16 years on death row we were able to get the innoncent project from New York to take Dons case forward, he was taken back to CDA, Idaho and resentenced to (5) years, credited for time served and released from prison.

In this instant case of Hoffman he should not even be in prison he has been wrongfully incarcerated since 1986 and will spend the rest of his life in prison, should these wrongs go uncorrected.

This is more than a story its a human life held in the blance, and others that have been lost subsequently by incredibly inappropriate measures, if not changed forever.

We ask that you allow us to send supportive documented material that supports our critical questions of evidence.

Your assistance would help us to subsequently prove and unprove critical facts and questions as to what is to be believed as to what happened, and did not happen.

Equally important is seeking your assistance in the preparation not just of a case, but the truth behind the story can be introduced analyzed in preparation to protect other numerous members of not just Indian Nation, Indian Country, and the Colville Tribe, but of the Federal and State Government itself.

The issues are particularly sensitive, and deserve heightened protection in such a case. Fundamental fairness, demands not guess work, but a highly respected diligence of material facts and discovery, that is trusted with informational facts that are necessary to adequately prepare for not just a defense, but for truth, and conclusion.

If those wrongs go unchallenged and uncorrected would not those wrongs go uncorrected for ever, and through those wrongs would not society and societies children suffer forever.

We simply ask that you respond in the positive and agree that we may send you our findings for viewing and consideration of further review. Please respond to the before mentioned address's on page 1, we look forward to your reply.

Respectfully

Patrick Hoffman #232336

Respectfully

Ronald Stratton #279556

MOST ALL OTHER SUBMITTED MATERIAL WILL BE PREPARED BY THOSE OF
A TEAM OF PROFESSIONAL NATURE AND WITH THE SAME PROFICIENCY

Jean Spurvey

This statement is extracted from today's Humans of New York postings. Pretty much tells us all what we have known for some time: "I work as an investigator for the Legal Aid Society. We provide legal defense to people who can't afford it. I studied law in college, but I'm learning that the system doesn't match up to what we were taught. According to theory, the defendant should always have the advantage. Our clients are supposed to be innocent until proven guilty. The burden of proof lies with the prosecutor. But that's only in theory. In reality, the District Attorneys bend the rules of the system to gain maximum leverage. They don't care about justice—well, I'm sure there are some that do—but the ones I've seen only care about winning. It's an elected position, so they want to show voters that they are 'tough on crime.' And that requires higher incarceration rates. So they are incentivized to convict as many people as possible. One of their favorite weapons is to overcharge. They'll charge a defendant with ten things. Nine of them would easily get thrown out in court, but the client just can't risk it. So they'll plead guilty to the one charge that even remotely applies to the case. We're representing one client who passed out on the subway. It's a simple public intoxication charge. But his beer bottle fell off his seat and broke, so they charged him with possession of a weapon. They know it's ridiculous. But they know he'll never go to trial with that charge on the table. So they'll get their conviction. And that's all that matters."

Gisteren om 18:32 • Vind ik leuk • 14 • Beantwoorden

I am Pat Hoffman. I was given another name at birth and another later in life but this one is who I am known by. I was convicted of a crime that I did not commit and have served 31 years of a life without parole sentence. My father was convicted of the same crime and died an innocent man in prison. I was married for 18 of those years and thought we were happy up until my dad died and left me \$38,000⁰⁰ and things changed and that wife left with that money that was to be used to set me free.

After that I was alone in prison and planned on staying that way until such time as someone gave me good reason to go out of this life as a warrior.

A friend gave me the name and address of a lady in Europe who he thought would be of help and that we would be good together, but then I was not ready for another relationship and was still inclined to give my previous wife time to consider whether divorce was truly what she wanted or not.

Then I was transferred to another facility and the address of the lady in Europe that my friend gave to me was lost in the move.

Two years later I was in the process of petitioning for clemency and this letter came to me. When I looked at the address on the letter I was surprised to see it was the address of the lady in Brussels.

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I am direct descendant of 4 hereditary chiefs of my tribe. two from my true father Elmer E. McGinnis, and two from my true mother Barbara Quill-Stenogar.

In 1986 a group of elected tribal officials thought it was in their best interests to bring charges against my father that were false and discriminatory and intended to make him appear that he was mentally unstable.

never mind that those officials drug of choice was cocaine or that millions of dollars in gold had been ~~seized~~ ^{taken} illegally from the Mount Tolman project on the reservation or that another tribal official had been murdered to keep the public from finding out these actions by the elected officials as directed by federal officials wanting all that we cowards had left to us. ~~never~~ mind it brings me no pleasure to know that they have all passed away in the time of my 30 year incarceration even knowing that they are the ones responsible for my imprisonment.

They should have done better as representatives for our people.

instead they brought charges of trespass lands against my father and sent him legal papers to appear in court. trespass lands is a class D ~~misdeemeanor~~ ^{misdeemeanor}. my father refused the papers at the post office, which later infuriated the tribal prosecutor Mr Woodfield to the

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point where he disregarded his position and the law and had a bench warrant issued against me, McElinnis for failure to appear. So a few days later my father was at council chambers at neopelen and the council chairman called police Chief Smiskin to come and arrest Elmer McElinnis. Which they did after quite a struggle where a file cabinet seems to have been dropped on Elmer McElinnis' chest, breaking 7 ribs and causing him heart arrhythmia. trouble was, the arrest warrant was for failure to appear and the appearance date was 5 days in the future. So we now have unlawful use of force in an illegal arrest, everything else that follows as tribal police actions is based on this illegal arrest and is therefore all illegal conduct by the tribal police whose sole intent was not to arrest but to kill.

The shoot out that followed and the arrests in federal and State Court for 1st degree premeditated aggravated murder are false and lack proper jurisdiction. A federal prosecutor by the name of Hicks was presently involved in another case involving an Indian woman named Yvonne Wandrow who protected herself and family from unlawful intrusion and other possible violent acts by killing the intruder. Not wanting to re argue old ground involving

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improper police actions and unlawful intrusion in federal court. trouble was he had no proper jurisdiction in the matter and so opted for trial in State court. but it was the same problem there - improper jurisdiction. State and federal courts claim that because benefits are paid to healthcare and highways on the reservation that they have jurisdiction to try cases in criminal matters, or because Indian reservations are encompassed by State and federal boundaries, both are untrue. payment of benefits is an obligation under treaty and carries no true jurisdiction value. it is the same pertaining to State and federal boundaries encompassing our Reservation. our land was once up to and beyond all present enscribed boundaries. we are the keepers of the land and it is who holds the land, that is the one invested with proper ~~jurisdiction~~ jurisdiction on it. what land that has been taken by these governments has been taken unlawfully and has not as yet been paid for at fair market value.

So. The tribal courts had sole and only jurisdiction to try for alleged crimes. Therefore the ^{tribal} Council members told the then tribal judge Shelah Cleveland to bring criminal charges against my father and me.

Shelah Cleveland said no. they did nothing wrong." (see court record.) She, having witnessed the entire shoot out and aftermath, stated that

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She saw shots fired first from positions where the police were located and not from the back of a chicken coop where McGinnis and Hoffman were located.

that is total exculpatory evidence which exonerates McGinnis and Hoffman. That should have been the end of it but it was not.

So the then tribal council takes it to Okanogan County and ~~ask~~ requests them to try. Based on Shelah Cleveland's Court affidavit, Okanogan County refuses, then the Tribal Council offers and later pays \$50,000⁰⁰ to Okanogan County to try McGinnis and Hoffman for alleged crimes on a reservation, up until the point of offering and paying \$50,000⁰⁰ everything is legal, after everything becomes illegal and becomes a cover up for an illegal police action of attempted murder of McGinnis and Hoffman.

Special Prosecutor Hicks from the federal prosecutor's office in Spokane arranges federal payment to the tribal council 2.5 million dollars after our arrest and another 2.5 million dollars paid after our conviction. These funds used to derail our legal appeals by placing cash in select judges pockets.

In 2006, the widower husband of the late Joanne Alumbaugh, Mr. Richard V. Alumbaugh came to visit me stating that his late wife had requested to him on her deathbed that he do something

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in an effort to gain my freedom because she thought ~~she~~ she had incarcerated an innocent man.

Now if you are an attorney who has valued the legal system as a good thing then you will do your ~~best~~ very best to get true justice for a first American and help me gain my freedom.

Since all accusers have passed away since this mess started and the only problem being the then prosecutor Jack Burchard it would make sense to bring a discrimination ^(militious) and wrongful prosecution suite against him and his marital community that he took a bribe from the 1986 Tribal Council, got elected with no opposition, manufactured and/or destroyed exculpatory evidence in our case, and ~~refused~~ proceeded to defame my character in the on-line prosecutorial version of my trial with my father.

I am born and raised Catholic, and I know Jack Burchard is Catholic, and because of this I know that Mr Burchard's trips to Walla Walla State prison for Religious activities is in some way to try to pay his way into heaven for his perceived sins of inflicting wrongful injury upon me and my father. He fears the loss of his immortal soul due to his persecution of me and my father.

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if you sign on for this, it will mean lots of work in the beginning, but there will be an adequate pay day when all is done.

The State of Washington and the federal government owe me much in damages for 30 years of wrongful incarceration.

The law suite against me, Burchard would be a tool to gain his full cooperation and assistance and since all who would prodd him to do otherwise are passed away he would have no problem cooperating with us to keep what he has and to clear his soul of guilt.

My intent is to become legally free again to marry my fiancé Agnes Abrahamson and to put forth a program I have adequate knowledge of that would make all my people, not just my tribal members, but all my people financially independent and free from any unlawful intrusion from any local, state, or federal government, its time that all people who care about their freedom to what is good under the law to take back their rights and send those law enforcement and political officials, who would misuse the law and their position for pure unlawful personal gain packing.

Thank you for your time and consideration in reading this, and for your valued

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assistance in helping a first American
regain his freedom and his life.

Please allow me to direct you to enclosed
paperwork that further proves my freedom.
Other court documents of support are available.

Again my thanks for your complete
reading and helpful responses.

Sincerely,

Patrick G. Hoffman

1.
Just Before trial went to the jury the judge informed the Prosecutor that his charging information was deficient based on the evidence presented, she asked to change it and was denied, she said that that should have been done during pre-trial. The combination of that and error in jury instruction under the wrong statute and/or indictment under the wrong statute created damaging harmful error with no recovery for a fair trial.

The jury instruction given was you must view all evidence in the most favorable light of the prosecution, that is the same as instructing the jury to find the defendants guilty.

According to the R.C.W. for 1st degree premeditated aggravated murder where more than one defendant is charged the jury must determine perpetrator and accomplice as the perpetrator receives the harsher penalty. That was not what happened in our case. We were both ^{Sentenced} charged with life without possibility of parole.

The accompanying charge in this matter should have been first degree premeditated aggravated attempted murder not first degree assault. The assault charge was easier for the jury to ascribe guilt and so was used as the first step in the determining factor as the events of the incident were presented, and therefore became an act of desensitization with jury participation making it easier for the all white jury to ascribe guilt to 'Troublesome Reservation' Indians.

The final unspoken jury instruction which the jury spoke to each other during deliberation was 'They must be guilty or the prosecutor would not have brought charges

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against them."

Not knowing or aware that the Tribal Council paid \$50,000 for a trial to remove the direct line of hereditary chiefs (i.e. Elmer McHinnis and Pat Hoffman) from the Reservation and to discredit them with a corrupt use of State law against them, under cover and color of a fair trial so that the Tribal Council could continue their corruption unabated, such things as gambling, use of, and sale of drugs, Highgrading gold off the Reservation under the use of a molybdenum ^(SP) open pit mine at Mount Tolman. The question needs to be asked, why are there still security guards posted at that site if it were only about an abandoned molybdenum ^(SP) project after over 35 years of non use?

And why after all these 31 years of imprisonment that all twelve Council members who paid for and signed illegal paperwork to hand jurisdiction to the state in this one matter only, How is it that their drug abuse has killed them all with one form of cancer or another, where if I were the murdering bastard they depicted in trial I would be the dead one or would have in the least harmed more than a few fellow prisoners yet there is only one fight in 31 years, and that was to prevent that one from harming the Sacred Pipe carriers at CBCC.

It is long past the time I should have been home with my loving wife Agnes Abansen.

Thank you for your consideration and your help. Patrick Hoffman

Public law 280 was a federal government move to gain jurisdiction to try individuals on reservation lands who were accused of one or more of the 8 major crimes act used elsewhere in America; it required a special election and 5/8 of the total number of votes in the election for the authority to be given to the federal government to try for any major crimes. State Government as well.

The elected officials (councilmen) never held the election claiming that being voted into office gave them authority to pass a resolution to allow federal jurisdiction based on their being voted into office.

but without the rule or the letter of the law being followed to obtain jurisdiction in an honest and forthright manner every indian tried in a federal court or state court is invalid concerning jurisdiction due to the fact that the entitlement of jurisdiction was not obtained under the letter of the law, i.e. performing the vote to grant jurisdiction. Anything else is shortcutting that illegally jeopardizes individual rights and freedoms under tribal law, and ^{U.S. Constitution,} which requires that Indians against Indians on Indian land is to be tried under tribal court system only.

This is the heart of Tribal Sovereignty in the State of Washington and is newly underscored and supported unconditionally by the Native American Sovereignty Act of 2016, Signed by President Obama,

Prosecutorial mis conduct.

I Federal prosecutor Hicks moving the trial from Federal to State level, no jurisdiction for either State or Federal - Being Indians against Indians on Indian Land. and being Special Prosecutor

II Question - whether Prosecutor Burchard was properly elected under State rules requiring proper vote numbers for an unopposed candidate to take office. See 1986 - Okanogan county voter tabulations

III whether said candidate should be disbarred for accepting \$50,000⁰⁰ payment from Colville Confederated Tribal Council to convict Hoffman and McGinnis and at the same time not charging the Tribal Council or the Tribal police for conspiracy to commit murder (2 counts) on an Indian Reservation. which is what State evidence and reasonings or arguments showed in court.

IV Prosecutor destruction of exculpatory evidence. 5 years after trial a gal, who worked as a Secretary in the prosecutor offices in 1986, approached Penny Hoffman and told her that she had over heard Jack Burchard one day on the phone say to the party on the other end that, "that weapon will never be found, we made sure of that."

the gal could only recall our case as the only one at that time with a "missing" weapon.

When pressed to provide affidavit she declined saying two other people had died digging into the Hoffman - McGinnis case and she feared for her life.

p.t.o.

IV During Trial McGinnis had the Bullet in him removed. Photos taken of the procedure by Bud Gardner - McGinnis' attorney showed that it matched the photo of the Bullet taken from the Millard autopsy, closely enough to be from a similar, if not the same weapon. A S+W .357 mag. Not a 9mm. Which was also the initial FBI Report on the Millard Bullet, which was required changed to 9mm to fit the prosecutor fabrication of what happened to the alleged murder weapon to make defendants appear guilty without proof.

Circa 1996 - FBI Forensics expert at Quantico Virginia Leaves the FBI Forensics division as its Head, in an open news conference stating he could no longer work for the FBI knowing that the FBI Fashioned Forensic Evidence to Support Prosecution only, and not to uncover the truth for legal viewing by all parties concerned. This had happened in 250 cases nationwide from 1970 to 1986, it includes the Leonard Peltier case and the McGinnis Hoffman case.

VI McGinnis claimed he fired 3 shots only from the 9mm. These 3 shots were Winchester Super X, 115 grain aluminum hollow point. I never fired the weapon in this incident. Those casings are still in evidence and ~~prove~~ ^{Prove} what McGinnis said is true, and that Millard was killed with some other weapon - a .357 mag.

VII Judge Alumbaugh's dying declaration that Richard Alumbaugh do all he could to get Hoffman free because she was sure she had imprisoned an innocent man, this was in 2004.

VIII Disturbing the "Crime" Scene - nearly 5 hours after the incident an officer chased a dog, belonging to McHinnis, through the "Crime scene" repeatedly, firing several shots at the animal until it was killed. The officer fired a weapon of the same caliber as the weapon alleged to have killed Millard. A 9 mm. This act should have kept any evidence gathered there from being entered into the case, but it did not. So the 3-9 mm casings of Winchester Super X are there also, along with those the officer spent killing Paolo's dog.

IX Indicted under the wrong Statute. Just prior to the trial going to the jury the judge told prosecutor Burchard that his charging indictment was insufficient. He tried to amend but was not allowed the situation still worked to his advantage. The second charge, first degree assault should have been first degree premeditated aggravated attempted murder, if the criminal action alleged was true and supported by evidence. Yet at the end of the prosecution case they could not place either of us at the crime scene at the time of the alleged crime let alone that we had weapons in our hand trying to kill police officers.

The use of first degree assault was used to de-sensitize the jury so that first finding us guilty of that would make it easier for the jury to find us guilty of first degree premeditated aggravated murder. The problem with that is that under Washington law the jury is required to determine who was perpetrator and who was accomplice. They did not. Could not. We both got life without,

To Whom It May Concern:

My name is Patrick G. Hoffman Doc #232336.

I am an enrolled member of the Colville Confederated Tribes. I have been falsely accused and convicted of first degree murder and am presently serving a sentence of life without parole for a crime I did not commit in 1986. I have served 30 years for law enforcement duties.

My case has been regularly used under Indian law to support tribal sovereignty on reservation lands in the United States yet I am held prisoner because the tribal council then in 1986 paid the Okanogan County Court System \$50,000 dollars to try my father Elmer E. McGinnis, now deceased, and me and find us guilty of killing a tribal officer so that the real murderer, a fellow tribal officer could go free and the police system not be found wanting. The whole matter hinges on a faulty tribal arrest warrant for Mr. McGinnis where in the refusal service of court papers ordering him to appear in tribal court, an arrest warrant was issued for failure to appear for that hearing and was acted upon by police Chief Harry Smith and 2 fellow officers. trouble is the appearance was 5 days in the future so one cannot have a failure to appear arrest warrant served when the date of appearance is still 5 days in the future. that makes the warrant invalid.

and ~~and~~ any actions based on that warrant such as arrest, unlawful, as well as any alleged criminal actions based upon it, unlawful, the charges of our case arise from this unlawful act by law enforcement and the resulting attack on the McGinnis property and our arrest trial and conviction are based on this faulty arrest warrant. We were branded criminals because we exercised our rights as United States citizens to oppose unlawful intrusion and arrest by misguided law enforcement acting under color of law.

The truth of the matter is the officer was killed by the same law enforcement weapon as there was also the bullet taken from Mr. McGinnis at trial, photos of both bullets show that they came from the same weapon a S+W 357 Police Service revolver, and not from the 9mm which I had given to my father to protect himself that night after unknown people were invading the property, my father claimed that he fired that weapon 3 times, those 3 ~~bullets~~ bullets were Winchester 9mm aluminum hollow point. So how could we have killed the officer when the ~~bullet~~ Bullet removed from the officer that killed him was a full metal jacket 357 projectile.

further the prosecution continually made claim that we destroyed the weapon when the truth is the prosecutor had it destroyed after it was found near the property; the reason why is quite simple, test firing would reveal beyond a shadow of doubt that it was not the weapon that killed the officer and so the prosecution would truly have no case and would not get paid out of the \$50,000 to Okanogan County to convict us nor the 5.1 million dollars paid to the tribal coffers after our conviction. (See Tribal Tribune 1995 to 1987 July)

I am now 6⁹ years old having spent nearly half my life 30 years in prison for a crime which I did not commit, it is time to set the record straight and let an innocent Native Elder go home,

the 9 mm bullet casings are still in evidence in Okanogan County and support the truth of what I have been saying these past 30 years that I am innocent.

Thank you for your consideration and any and all assistance you may choose to render.

Sincerely

Patrick G. Hoffman

1° pre med ag m.
 witness

1 of 7

guilt finding - peeps - vs accus

The State Had an obligation in our case. First and foremost their obligation is to all citizens of the State of Washington to be absolutely sure they have the jurisdictional authority to try a citizen for a criminal action. Assuming the State has jurisdiction is not enough, especially where tribal treaties with the State are involved which point to the contrary ~~and~~ and where State officials only assume that they have the authority because their predecessors took land away from the Indian people and assumed jurisdiction places them in some form of control over the land which the Indian lives on.

The Sovereignty act of 2016 hits this issue squarely on the mark and shows finally that the first people on this continent have absolute authority on their land over and above claims of authority by those people who came later and those people would have died out had it ~~been~~ ^{been} not for native peoples charitable nature towards them.

as for my case - State of Washington vs Patrick Hoffman. jurisdiction to try was invalidly assumed only after the 1986 tribal council paid \$50,000 to Okanogan County courts to persecute my father and myself after the tribal courts judge refused

To issue a warrant or to try because the Tribal police had inappropriately instigated and precipitated a shoot out on the McGinnis property which resulted in the wounding of one tribal officer and the killing of another.

For which sentence my father died in prison for a crime he did not commit and I am continuing to serve past 30 years on a life without conviction for a crime I am also innocent of.

State of Washington RCW requires that a trial of fact must determine which defendant is the perpetrator and which is the accomplice. ~~get my father~~ The accomplice receiving a lesser sentence under the statute.

Then why is it that my father and I both received LWOP sentences for a crime under this statute 1st degree premeditated aggravated murder of a police officer. These officers were ordered to stand down and refused to do so by their willful and therefore criminal action. Claiming they had authority to engage based on a misdemeanor warrant that was previously acted upon and was invalid in the previous action due to the fact that the warrant was for failure to appear in tribal court but the failure to appear was for a date 5 days into the future from the time of the first unlawful arrest in tribal chambers 2 days earlier than the shoot out incident. even then had the warrant not been acted on in the first illegal arrest of Mr. McGinnis.

in tribal chambers the warrant would have been invalid at the time of the shoot out incident because the appearance date was still 3 days in the future. You cannot have a valid warrant for failure to appear served when the date for the appearance is still in the future and has not transpired. Everything after the warrant becomes fruit of the poisonous tree.

What happened is nothing more than police brutality and American citizens, State citizens, and ~~the~~ tribal citizens have an inalienable right to defend against ^{unlawful arrests} when, ~~ever~~ and where ever ^{they} ~~it~~ occurs.

17 years later the judge in our case, Joanne Alumbaugh determined the same on her dying bed and requested her then husband Mr. Richard V. Alumbaugh, a clinical psychologist, to do all he could to help get Patrick Hoffman released from prison because she believed she had imprisoned an innocent man.

after the prosecution rested its case the defendants ~~have~~ moved to dismiss the case because of lack of evidence, no perpetrator was proven, no accomplice, no proof of murder weapon, no proof of motive, no proof of planning except for assistant police chief John Dick's part where he said in court "I should have made a better plan."

That statement and the fact that this administrative officer chose this particular evening to don a shooter's protective vest under his uniform shirt, was

in direct opposition to the order by his superior officer, Police Chief Smiskin to Stand down, therefore what was done by the police on the McGinnis property becomes an unlawful act.

Then the police left one of their officers to die at the scene of the incident. Not returning until after 7 am that same morning, nearly a full 5 hours after the incident.

Then when they go back on the property they don't go to pick up the down officer, they storm the house and kill 4 dogs claiming that that was done to keep Edmer and others from getting a suspected large arsenal of weapons. None of which ever appeared in Court because there was none.

Also at that time, or immediately following, the alleged Crime Scene was tainted by an officer chasing another loose dog and shooting at it repeatedly until it was also killed, all by it, by a 9mm semi automatic, allegedly, technically the same as the one alleged to have killed the officer. Those spent cases were then gathered together with the so-called evidence from the scene and purported to be spent rounds fired at the officers during the 2:30 am incident rather than the dog shooting incident some time after 7 ~~am~~ AM that morning confusing and ~~destroying~~ ultimately destroying the Crime Scene.

further the prosecution claimed the defendants destroyed the ^{alleged} murder weapon when in fact the

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Prosecution did in order to promote winning the case by deceipt and impassionating the jury against the defendants over weight of evidence.

1- a trial is a fact finding activity by all court officials.

2. the prosecution has a basic responsibility to present exculpatory evidence when found, in the light of fairness, (Office Secretary on lost weapon)

3. the initial Ballistics report from FBI labs at Quantico Virginia stated that the projectile which killed officer Millard came from a Smith and Wesson 3.57 Magnum, which is what Dick and Millard and Carden and Clark and others were packing and shooting in the incident.

4. the prosecution returned the finding claiming it had to be a 9mm because that's what the defendants used. So the report was changed by the FBI to reflect that.

5. Elmer claimed to have fired the 9mm only 3 times which is true because I loaded the clip which was placed in the K.G. 99 9mm and given to him by me, the last 3 ~~cartridges~~ cartridges in that clip which would then be the only 3 fired were Winchester Super-X, 9mm, 115 grain aluminum hollow point. those 3 casings are still in evidence and were not discussed or identified at trial. One Q43 or Q45 projectile of aluminum was found but not discussed per attorney recommendation.

6 the prosecution had the gun in their possession

and destroyed it, (A) to bring credence to their alleged theories and at the same time skirting the necessary burden of proof required by law).

(B) having 3 bullets removed from the 9mm clip left only 9mm Full metal jacket bullets and so not knowing that aluminum hollow points were the first 3 bullets they would logically but wrongfully assume that the previous 3 bullets were also full metal jacket rather than hollow point aluminum. ~~With~~ which supports my argument that the prosecution had that weapon and destroyed it.

(C) on 3 ^{occasions} ~~occasions~~ before and during trial I showed others where I had placed the weapon on the perimeter of the property. My Sister Fran Peoples, my nephew Christopher Peoples and my attorney Richard Price. Each found nothing. Logic dictates I would not ~~be~~ direct anyone to find and regain an alleged murder weapon unless I knew for a fact that it was exculpatory evidence and not damaging evidence. That neither of these three ~~pe~~ people found the weapon tells me the Prosecution found it in Evidentiary Sweep of the property and surrounding premises and destroyed it, else they would not have known that Full metal jacket 9mm were in the clip. If the clip would have been filled with aluminum ^{cartridges} hollow point ~~cartridges~~ ~~cartridges~~ it would have been a different ball game. But this is what I know to be true but the prosecution does not nor can not ~~know~~ without being in my place.

this, affecting 500 or more cases nation wide in the previous 15 years to that time of his announcement. Our case is one of those 500.

Elmer McGinnis claimed to have fired the 9mm only three times after he was wounded. I had loaded the gun and given it to him to protect himself if needed, the clip inserted into the weapon had 3 aluminum hollow point, 115 grain Superx Winchester bullets in the top of the clip which went into the gun first, after that all other bullets in both clips were full ~~grain~~ metal jacket 180 grain.

^{this} ~~which~~ further ~~adds to the supposition~~ ^{Supports deductive Reasoning} that the prosecution ^{Had the weapon and destroyed it.} was of that; ~~through having the weapon in their possession and even the spent cartridges cartridges were thought to be full metal jacket.~~ and having tested it found it was not the gun that killed Millard or wounded John Dick, so they had to get rid of it to be able to ~~put~~ put forth their theory to the jury that we killed and wounded them destroyed the weapon out of guilt.

This was the route they must take in order to earn the pay to have us convicted.

I directed 3 different individuals at different times where to look near the property to ^{find where} ~~where~~ I had left the weapon each came back negative our reason to find the weapon was it would prove not to be the murder weapon.

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Belgium that my friend had given me 3 years earlier.

I knew then that it was far more than mere coincidence that she would be writing and that our correspondence would turn into one of the strongest and most beautiful relationships of all time.

We found through our letters that we were connected on many many levels, as though we had known each other in previous lifetimes.

Over the months she finally came to visit me and meet my family since letters were no longer enough and to find out what we were feeling in our hearts was the completeness we had both been looking for all our lives, and that first visit she came with my niece and we hugged and she said closely "I'm home", and I kissed her lightly on her lips and knew that what true love we had been looking for, had not only been found but that we would not lose each other to anything or anyone else ever again.

We were married that next year and have continued to endure the hardships placed on us by the ones confining me.

but we will overcome that.

100 years earlier I would have been called Wanaka by my people for saving my father's life in a confrontation that nearly killed him.

3 the people would have made me an honor shirt, each member of that group giving a lock of their own hair to be sewn in places on the sleeves and the front and the back of the honor shirt. Wanaka is a "Save alive warrior".

My dear Agnes had a dear mother who had bought a leather shirt for her and no one wore it because it did not feel quite right.

So at the pow-wow at Coyote Ridge Correctional Center on the day we were married the Indian way she gave me this shirt - an Honor Shirt that can only be worn by a Wanaka - a Save alive warrior. One who goes into battle not to kill but to fight for and to save those who are unable to fight and protect themselves from enemy attacks.

Agnes did not know about the shirt or about Wanaka until I told her of how I saved my dad and the meaning of the Honor shirt and the meaning of Wanaka. That only a son of a chief can become Wanaka and that the reason her mother bought and saved for her the shirt became clear.

It made Agnes cry, but not for sadness, but because in a flash of remembrance she knew that I was the son of a chief, that son of a chief she had seen in her dream as a little girl, the man she would come to America to help get free from prison.

4 If I were offered a bag full of all the most precious jewel stones, as many as all the stars in the night sky if only I would turn agnes away and tell her not to love me any more because I did not love her, I could not do so because I would have to die.

Come what may whether she is able to find the way to set me free, I will love Agnes for the rest of my life with my whole being, to the last breath. And when everything else is gone, the Honor shirt will be there to tell our story about two people half a world apart from each other found each other to give to each other all the love in their hearts.

It is said that good things happen to good people. Well this our story, Agnes and me,

My nephew Charles had a dream-state vision in 2011 or 2012 where he saw in the vision that a lady with light colored hair was bringing me home on a motorcycle.

at that time he didn't know where I was in the system and Agnes, who has very light colored hair, was not in my life yet nor known to any of my family or me, but she is the light haired lady in his dream.

22 March 2018

Dear people,

I would respectfully like to introduce myself.

I am Agnes Abramsen, Dutch originally from The Hague the Netherlands.

I have been living in Brussels Belgium for years.

I am speaking from deep within my heart and within me as this is my passion and journey in life to help and support all I can to see my mission succeed, for I was commenced what was once only a dream into reality.

I hope that today marks the end of a long journey.

A journey that fifty-nine years ago seemed full of impossibilities.

I have spent countless hours in praying seeking God's guidance.

First and foremost I thank God and Savior for the wisdom he gave to me to help me to restore my faith to fulfil my vocation.

It started when I was ten years old.

At thirteen, fourteen I had a calling, an inner urge to come to the U.S. telling me that there was the son of a chief who was waiting for me.

I told that to my parents, friends, but at that time it was impossible to go because lack of money.

In short, years later I married a Greek man, who, as my two children knew about my native.

When I was thirty-seven, my husband passed away and I stayed with two teenagers alone.

Years later I came in contact with an organization

where you can write to natives in prison.

My mom and I visited a young native, incarcerated in Vacaville, CA, who is now twelve years home.

After, a pen pal from the State of WA, then, After about ten years he asked me to write to a friend who was also in Monroe, WA, but was sent to Connell.

I wrote to that man too, received a letter back why he was in prison, etc.

I immediately knew that that man was 1000% innocent.

A year later I visited him, we have spoken a lot and told me that he is the son of a chief, Patrick Gene Hoffman. Medicine Bear.

Therefore with our weekly letters it felt so good.

We were together in a previous life, I found the love of my life again, my soulmate, friend, partner. Our love story is so remarkable, a never ending love.

The first time I met P. Hoffman I whispered in his ear "I am home", yes, I found my home, my place again, everything is so familiar, comfortable. I was home, the same feelings when you finally come home after a long absence, a sort of subconscious realization that we had met in an earlier life.

P. Hoffman had the same feelings when he was a teenager and wrote a song about us, I have it. Kindred Spirits is recognized with the heart and not with false forecast of the brain.

It is an universal sense of "we belong together", a feeling of familiarity, a sense that the strange penetrate into the core of the inner meaning, and

intuitively knows what the other think, feel or will say.

Destiny guide our hearts to a love that knows NO END.

P. Hoffman is my life, my proud, my joy, our love is a symbol of love and charm within is a keepsake of that splendid love, our fondness and absolute devotion gave us strenght, our hearts have always loved each other, our souls just had to find each other, it took more than fifty years to find each other, but it happened.

Patrick has a good nature and an exemplary conduct even after 31 years innocent in prison honors bestow on him, because so many years in hell, and still stay without negative thoughts and have a heart of gold and in the right place, BRAVO!

I am a strong, healthy, well-balanced person, what they did to Patrick is wrong, very, very wrong.

Patrick trust me 1000% and needs me when he get out of prison,

Dear people, I really believe in you, you sure know a good, strong, honest attorney who read Hoffman's letters and see that Patrick Hoffman did NOT KILL the police officer and paid already 31 years for the wrongdoer J. Dick who is free while everyone knows that he did the crime.

Yesterday one of the good guards came to our table in the visiting room and said, it is time to go home, 31 years, nobody must stay longer than 25 years.

Dear people, I respectfully and in all humbleness beg for your help and owe you much gratitude.

I lost the love of my life once, and noway a second time, you, dear people have our life in your hands, we deserve and need to be happy in the autumn of our love because we ar GOOD people, and love never get old.

When the prison doors get open, I will be there waiting with open arms for the man I have been waiting for more than fifty years, our feelings we cherished for each other, knowing that "my other half is somewhere", and the dream his family had about "coming home on a bicycle with a lady with white, light hair" that is not a dream this is the truth, I came in Hoffmanns life with a purpose, a goal, I knew it from his first letter.

Dear people, I hope that you do what is right, human, I do believe in humanity, at the end the good always win over evil.

More I can not say, I just ask you friendly to send me an email if you can help us, or can not help us, but I am sure you will, seeing Hoffman is innocent. I thank you in advance, and have a good day.

Sincerely, Agnes Abramsen.

email: agnesabramsen1943@gmail.com

P.S. When you read this, I will be back in Belgium.

1 of 2

11/3/16

a statement of fact

by Patrick Gene Hoffman #232336

Previously in EB-38, Coyote Ridge Corrections Center,
Connell, Washington 99326, now in the "hole" there.

To whom it may concern:

I Patrick Hoffman have been incarcerated
in the Washington State Prison system for
the last 30+ years doing a life without parole
sentence for a crime which I did not commit.
My father, Elmer G. McGinnis died in Washington
State prison hospital at Antanem View, Yakima Washington
he committed no crimes either.

I did not kill Lou Millard. I did not wound
John Dick. both alleged victims in our alleged
crimes. Neither did my father Elmer McGinnis.
Elmer was first to get shot in the chest, and I
was unable to see by who, we were unable to
determine who or where the attackers were.

The Prosecution claimed we, I destroyed the alleged
murder weapon, a KB49 9mm handgun that my father
bought for me some 18 months to two years previous. I did not.
I had a valid concealed weapons permit for 17 years
before and up to that time. had either one been (officers)
shot by me they would have been shot with a .45 auto
which I acquired 6 years previous from a former Tribal police
officer who left the force, because the force was doing
things wrong in his thinking. if Elmer had shot either
officer with the 3 shots ^{He claimed} from the 9mm they would have been
hit with 115 grain aluminum hollowpoint, not 38 special rounds,

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one that were taken from Lou Millard's body at autopsy or as the one removed from Elmer during our trial which was supposed to be entered into evidence at trial but was switched as Elmer claimed when another duellit was entered into evidence.

Judge Joanne Alumbrough was aware of all of this being our trial judge and so, before she passed away in 2004, 4 years after Elmer's passing, on her dying bed she requested of her husband Richard W. Alumbrough that he do all he can to help me gain my freedom because she was sure she had imprisoned an innocent man.

So in 2006 in near the end of the year he came to visit me at Monroe Reformatory and told me what she had asked him to do for me.

I did not know how to use that, then, how to get it into Court. I tried several attorneys with no help. And my then wife, Penny Hoffman divorced me, taking \$4000⁰⁰ Elmer had left to me with his passing. So I was penniless and without money or hope or caring to want to get out.

So after getting to CRCC, I get a letter from Agnes Abramson who has become my wife in the Native way and is the love and the light of my life. And I sincerely hope that this writing helps to get me free so that we can be together in what years remain in our life together.

Patrick H. Hoffman 11/3/16

Dear Mr.

It is with much honor and much humility that I should come before you in the form of letter. My name is Patrick Gene Hoffman, I am of the first Americans. I am an enrolled member of the Colville Confederated tribes of Washington, and a citizen of the State of Washington and the United States of America, and I humbly ask for your attention that you hear and respond to my request for your assistance.

I have been incarcerated in the Washington State penal System for 30 years. My DOC# is 232336. In 1986 I was 37 years old convicted of murder. I saved my father's life in the dark of night from a band of renegade tribal police who claimed they were doing lawful police work but were truly intent on committing murder of my father.

For that I have served 30 years on a life without parole sentence, while my father died in prison for a crime he did not commit.

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all of our accusers have passed away, along with their lies about us. We were and are hereditary Chiefs in a tribe who were want to have elected officials do for them but only found a heavy lesson in corruption.

I have consulted with all sorts of Criminal defense attorneys as well as going through ~~the~~ the whole gamut of appeals processes with no success. Why? \$5,150,000.⁰⁰ can persuade a lot of decision makers to keep us behind bars, that is what has been paid out to keep us, me in prison. It's in record if you know where to look.

I also have a permanent Statement from the widower Husband to the Judge in our case who requested that he, Mr. Richard V. Alumbaugh find a way to help me, Mr. Patrick Hoffman, regain my freedom because she felt she had wrongfully imprisoned an innocent man.

That was in 2003, in 2006 Mr. Alumbaugh came to see me in Monroe Reformatory.

Each attorney is either too busy, won't handle such a case or wants \$2,000,000⁰⁰ to start the case up again. I have no such funds. If there would be some way you could help me please do so. I would appreciate hearing from you. If you could put me in contact with some granting ~~and~~ Institutions that may help I surely would appreciate it.

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There is much more to my story including one Agnes Abramson, a Netherlands woman living in Brussels, Belgium who comes half way around the world 2 times annually who would marry me if I gain freedom.

I have worn ~~many~~ many hats in my time but none that were bad and always foremost to help my people. all my people.

That is why I ask of your help now. for it is time for me to help my people once again.

I thank you for your time and consideration and goodness of heart. and hope that we may meet to talk about this one day and share with the world, life stories that are true.

I hope to hear a good response from you.

Sincerely,

Patrick G. Hoffman

1 of 2

It is hard to imagine a perfect life. it is even a thousand times more difficult to imagine what it is like to be shot at by others in the middle of the night. to watch the ~~silhouette~~ Silhouette of your father falling from a gunshot. you return gunfire at gunfire, thinking this is where you and your father die. but you repel those who are shooting and you move your father away, only to have him seem to die in your arms. you run 86 miles in less than 2 days on foot. you go to a friend only to find that the police are looking for you claiming you and your father killed police. you turn yourself in to the law because the police have your sister in a jail known to Rape women.

you go to trial - you and your father are found guilty of a crime neither one of you committed. you are sentenced to life without possibility of parole. you serve 30 years to 2016 along the way you are married for a 20 year period then your father dies and leaves you \$38,000.00 to get an attorney to get free. but the woman you married leaves you and takes your money to get free.

you are devastated. you give up trying to gain freedom. 7 years pass and a friend gives you an address of a pen pal to write. you are not ready for other outside contact.

you are moved to another prison. you misplace the address in the move. it is lost. then 2 years later you receive a letter from the person who's address you lost. you take it as a sign that you are to correspond with this pen pal who is a

please turn over

2 of 2

marvelous lady who becomes your friend, your partner to help you win your freedom, The love of your life, whom you have been searching all your life with your heart for, The Soulmate who has been the spark within your heart all along. She lives half a world away and she sets everything else aside and travels 13 thousand miles to visit you, to kiss you and whisper in your ear "I am home." She does this not once but ~~5~~⁸⁹ times so ~~far~~ far. She loves natives. She visited the home land where you grew up. She has met your people. She becomes your wife and vows to give her life to help you get free. How much more perfect do you need? The story is not over until I, we are free. That will come soon, at 69 and 75 years we need to have it soon. Why? Because love is what matters. And near perfect is a pretty good position to be in with Agnes as my loving wife...

Patrick G. Heffron #232336

on April 1, 1986, I, Patrick Hoffmann was convicted of murder in the 1st Degree of a police officer, no that's not true I was Rail Roaded, because of the following conditions: According to the Colville Tribal treaty with the United States at the time I turned myself into law enforcement authorities at Okanogan County Sheriff's office, only the tribal courts system had authority to try enrolled members for crimes on the reservation against the peace and dignity of the Colville Confederated Tribes.

- The tribal judge witnessed the entire incident and would not press further charges against me or my father it was McGinnis who had also been shot in the incident.

- at a hearing in federal court in Spokane in September '86 the charges were dropped against me and my father because the prosecutor did not want to argue the jurisdictional issue because it would set new jurisdictional precedence which had heretofore been overruled by prosecutors in federal court and because the case hinged on a faulty arrest warrant for McGinnis at the Reservation Tribal chambers and the ensuing arrest which smacked of Brutality against a tribal elder - an hereditary Chief of the Nespelem Band and Okanogan band of the Colville Confederated Tribes.

- Based on that faulty arrest warrant the case went to trial in state court at Okanogan County, after the Tribal Council paid to Okanogan Superior Court System by way of Okanogan County Commissioners

please turn over.

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office receipt - \$50,000⁰⁰ to try my father and me for a crime we did not commit.

- at the end of the States case against us the State had provided no evidence either material or eye witness that we were guilty of the charges we had not been placed there by evidence or witness, no one identified either of us as being there at the time, nor stated they seen either one of us fire the weapon(s) that killed one officer and wounded another officer,

- all the while the prosecution is directing the jury by way of the judge allowing such statements to the jury (Rejecting repeated objections that it unfairly weighed against defendants, constitutional right to a fair trial and biased the jury unfairly against the defendants) that the jury was to view all the evidence presented in the light most favourable to the prosecution, basically the subliminal message to the jury was: Find the defendants guilty!

- Proper Ballistics ~~examination~~ examination and analysis would have shown that the bullet taken from the deceased officer was similar to the one removed from Mrs. McGinnis during the time of trial -

also the alleged murder weapon claimed to have been "conveniently lost" by the defendants could not have been the gun that killed the officers due to the fact that Mrs. McGinnis stated repeatedly that

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he had fired the weapon "only 3 times". those three shots were aluminium hollow point not ~~anyway~~ similar to the full metal jacket projectile taken from the officer's body. it was however, similar to the one taken out of ~~Mr.~~ Mr. McGinnis during the trial.

- this would fall into the reasoning of the alleged victim, John Dick, refusing to release his weapon for Ballistic Analysis until late mid trial, as he said in testimony at trial, "I feel responsible, in some way for Lou's death", and I should have done a better plan".

- the prosecution continually pressed throughout trial that defendants knew or reasonably should have known "Police officers" at the time of the incident. Thereby ~~substituting~~ substituting inference to the jury that defendants knowingly aware, prior to the incident, that the police officers were police officers.

- then defendants should automatically have known anyone coming on ~~way~~ to the McGinnis property that night at 2:30 AM were police officers, while the prosecution also provided evidence to the contrary that fellow police officers did not know

- where their fellow officers were because it was too dark to see and other officers did not know that officer Dick and officer Millard were going inside the Bandrias fence of the McGinnis property and the defendants are held to a standard of knowing that those two were police officers entering on to the property from the back of

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this property not at a usual entrance or exit, and that it was pitch black dark and the officers not only did not announce their presence from the onset but ~~pur~~ purposefully turned off their radio sound and turned off the Squad car lights that should have been on. Squad car lights and sirens were not on until after the shooting incident and the surviving officers had all retreated the property.

Therefore the Court rule that "all evidence must be viewed by the jury in the most favorable light to the prosecution was erroneous and decapitated defendant's right to a fair trial under the Constitution. So we have lack of jurisdiction to try the case by the State of Washington. According to Indian law, we have lack of evidence to convict; we have police officers acting in a criminal manner; (Fruit of the poisonous tree Doctrine) and we have the prosecution destroying exculpatory evidence, and manipulating court procedure, and manufacturing evidence in the form of theory and conjecture and in so doing manipulating the decision making facility of the minds of jurors to a finding of guilt ONLY. More cannot be said.

Please grant Patrick Hoffman clemency.
Please reinstate his Constitutional rights to citizenship.

For 30 years Attorney Mr. Richard Price has been helping P. Hoffman.

Every 3 years Mr. Price sent strong support for Hoffman's Clemency, because Mr. Price know that Hoffman is INNOCENT, but Governors Senators, lawyers don't care anymore, AND not to forget Hoffman is native. If he would have been the son of a Governor Senator, Judge, President etc. then it would have been an other story.

Sorry dear people, I know, am very aware that there are very good, strong, right lawyers helping people like Patrick Hoffman.

I pray that you are one of them, because it is so obvious that Hoffman is innocent that I don't understand how they got away with, even I can set Hoffman free.

The lies about Hoffman is written on the Internet, I put Burchard down, that is sure. For you it will be an easy case.

To help an innocent elderly is the most beautiful gesture a lawyer can do for the community and, most important for God and Savior. †

"Pat Hoffman"

"

Nov. 4th 2017

I have no room to complain,
Being locked in prison;
He's been down for thirty years,
I'll respect his words and listen;
Learn from his mistakes,
And the change we all need to make;
Re-evaluate my life,
Change it before it's too late;
He's a man with respect,
Filled with love and honor;
Give you the shirt off his back,
With no time to ponder;
Taught me to be patient,
Life is one bead at a time;
Think before you speak,
Feelings aren't just mine;
We are all people,
The exact same with a different purpose;
Even though we are in prison,
Many people don't deserve this;
Life was made by the Creator,
Rules were made by man;
I'd kill for my father,
Right or wrong it's who I am;
My name is Buffalo Heart,
And my love for another is constant;
I thank you for lessons in life,
I dedicate this to you - Pat Hoffman.

Uncle,

It has been an honor to meet you
and a blessing to call you a friend. I thank
you for your teachings, I thank you for your
wisdom. You have taught me a lot in these past
few months. I will cherish it for the rest of
my life. I thank you for Everything Pat.

Much Love

Respect

Chris AKA - Buffalo Heart.

Send to James Morgan

National Clemency Project

How can you believe these people, all contradictions yes we were like intruders there and it was so dark, we couldn't see who was who etc. Complete losers the officers.

[21] Homicide - First Degree Murder - Premeditation - What Constitutes. Premeditation is the deliberate formation of and reflection upon the intent to take a human life. It involves the mental process of thinking beforehand, deliberation, reflection, weighing, or reasoning for more than a moment in time.

[22] Homicide - First Degree Murder - Premeditation - Proof - Circumstantial Evidence. A finding of premeditation proved by circumstantial evidence will be upheld on review so long as the inferences drawn by the jury are reasonable and the evidence supporting the finding is substantial.

[23] Homicide - First Degree Murder - Premeditation - Proof - Factors. The following actions by an accused constitute evidence of premeditation: prior threats, the planned presence of weapons at the scene of the crime, lying in wait, initiating gunfire, firing multiple shots, attacking the victim from behind, multiple acts of violence, and expressions of pleasure that the crime was committed.

[24] Homicide - First Degree Murder - Intent - Proof - Firing a Weapon. The element of an intent to kill can be proved by evidence that the defendant fired a weapon at the victim.

[25] Homicide - First Degree Murder - Intent - Knowledge of Identity of Victim - Necessity. The fact that a defendant charged with murder did not know the identity of the victim does not mean that the defendant did not have an intent to kill.

[26] Criminal Law - Evidence - Photographs - Discretion of Court. Decisions as to the admission of photographs are within the trial court's discretion.

[27] Criminal Law - Evidence - Photographs - Gruesome Nature - Balancing Test. Accurate photographs of a victim of a crime are admissible despite their gruesome nature, if the probative value outweighs their prejudicial effect.

Please explain to me how the liar who says "that it was so dark, we couldn't see who was who, nor our police uniforms." Patrick and Mc Ginnis, fearing for their life, hiding behind the chicken Coop. All total dark, and John Dick could see P. Hoffman's "expression of pleasure on Hoffman's face? This was even not said in Court. And then J. Dick stated in Court that Hoffman could have thought that they were INTRUDERS. Complete crazy that man. Liars are dangerous people, and against their Superior's order to stand down, and not to hand in his weapon, every thing shows that they were the criminals!!!

Officers John Dick and Louis Millard crossed a fence surround McGinnis property and approached the main house and chicken coop. headlights, spotlights, and searchlights had been turned off and Officers Dick and Millard approached using ^{NO} police flashlights. At no time did the officers announce themselves as police officers nor was an announcement of their identification or intention ever communicated. Once the lights were dimmed, police officers at the scene testified that the property was in total darkness; they could not clearly distinguish the terrain; they could not distinguish officers nor their location on the property; and that it was too dark to see police uniforms and markings on the police vehicles. Officer Dick stated he did not know whether, in the dark, the people on the property could see the intruders were police officers.

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announce themselves as police officers nor was an announcement of their identification or intention ever communicated. Once the lights were dimmed, police officers at the scene testified that the property was in total darkness; they could not clearly distinguish the terrain; they could not distinguish officers nor their location on the property; and that it was too dark to see the uniforms and markings on the police vehicles. Officer Dick stated that he did not know whether, in the dark, the people on the property could see the intruders were police officers.

Q. . . . [D]id it occur to you . . . that if there were people on the property that they would not know that you were police officers?

A. I don't know if they could see in the dark. . . . Report of Proceedings vol. VII, at 93 (Mar. 6, 1987). The visibility was so poor that the police requested a special night scope be brought to the property, but an officer did not bring the scope to the site until after the exchange of gunfire occurred.
~~because he knew that they wanted to kill innocent men~~
 A gun battle ensued. Who fired the first shot is disputed, but after the first shots were fired, gunfire from the chicken Police shot, see Judge's Sketch Cleveland's statement in Court!!!

Upon arriving home, Hoffman and McGinnis found themselves locked out of the house as the only key was in the possession of one of McGinnis's daughters. Hoffman and McGinnis, noticing the floodlights being shined on the property, retreated behind the chicken coop in hopes of avoiding confrontation with the officers. *Lies, no floodlights were used!*

Officers John Dick and Louis Millard crossed a fence surrounding the McGinnis property and approached the main house and chicken coop. The headlights, spotlights, and searchlights had been turned off and Officers Dick and Millard approached using police flashlights. At no time did the officers announce themselves as police officers nor was an announcement of their identification or intention ever communicated. Once the lights were dimmed, police officers at the scene testified that the property was in total darkness; they could not clearly distinguish the terrain; they could not distinguish other officers nor their location on the property; and that it was too dark to see the police uniforms and markings on the police vehicles. Officer Dick stated that he did not know whether, in the dark, the people on the property could see the intruders were police officers

because it was dark and the police never identified themselves, they did not know who these intruders were. They further testified that they fired their guns in self-defense after the intruders fired the first shots. There is no evidence or inference of evidence on this fact to the contrary. *Judge Sheila Cleveland stated that the police started shooting.* The trial court specifically instructed the jury that Millard and Dick were police officers and that they were lawfully on the McGinnis property at the time of the killing. By directing the jury that those facts existed as a matter of law, the trial court precluded the jury from finding that the defendants could have reasonably believed that the person slain intended to inflict death or great bodily harm upon them. Had the defendants been aware that the intruders were police officers, then defendants could not assert that they "reasonably believed" that the police intended to kill or injure them. Absent the court's instructions, a reasonable juror could have concluded that the defendants reasonably believed unknown intruders intended to kill or harm them and that the defendants acted in self-defense.

The defendants' assertion that they did not know that the intruders were police officers is a direct result of the fact that the police did not identify

From the Internet.

Are they serious?

Officers John Dick and Louis Millard crossed a fence surrounding McGinnis property and approached the main house and chicken coop. Headlights, spotlights, and searchlights had been turned off. Dick and Millard approached using police flashlights. At no time did they announce themselves as police officers nor was an announcement of identification or intention ever communicated. Once the lights were on, police officers at the scene testified that the property was dark and they could not clearly distinguish the terrain; they could not distinguish officers nor their location on the property, and that it was too dark to see police uniforms and markings on the police vehicles. Officer Dick stated he did not know whether, in the dark, the people on the property could see the intruders were police officers.

Q. . . . [D]id it occur to you . . . that if there were people on the property they would not know that you were police officers?

A. I don't know if they could see in the dark. . . . Report of Proceedings vol. VII, at 93 (Mar. 6, 1987). The visibility was so poor that the police requested special night scope be brought to the property, but an officer did not bring the scope to the site until after the exchange of gunfire occurred. because he knew that they wanted to kill an innocent man. A gun battle ensued. Who fired the first shot is disputed, but after the 1st shots were fired, gunfire from the chicken coop. Police shot see Sheila Cleveland's report in Court!!

Police stated it came from the opposite side. Not from the chicken coop!

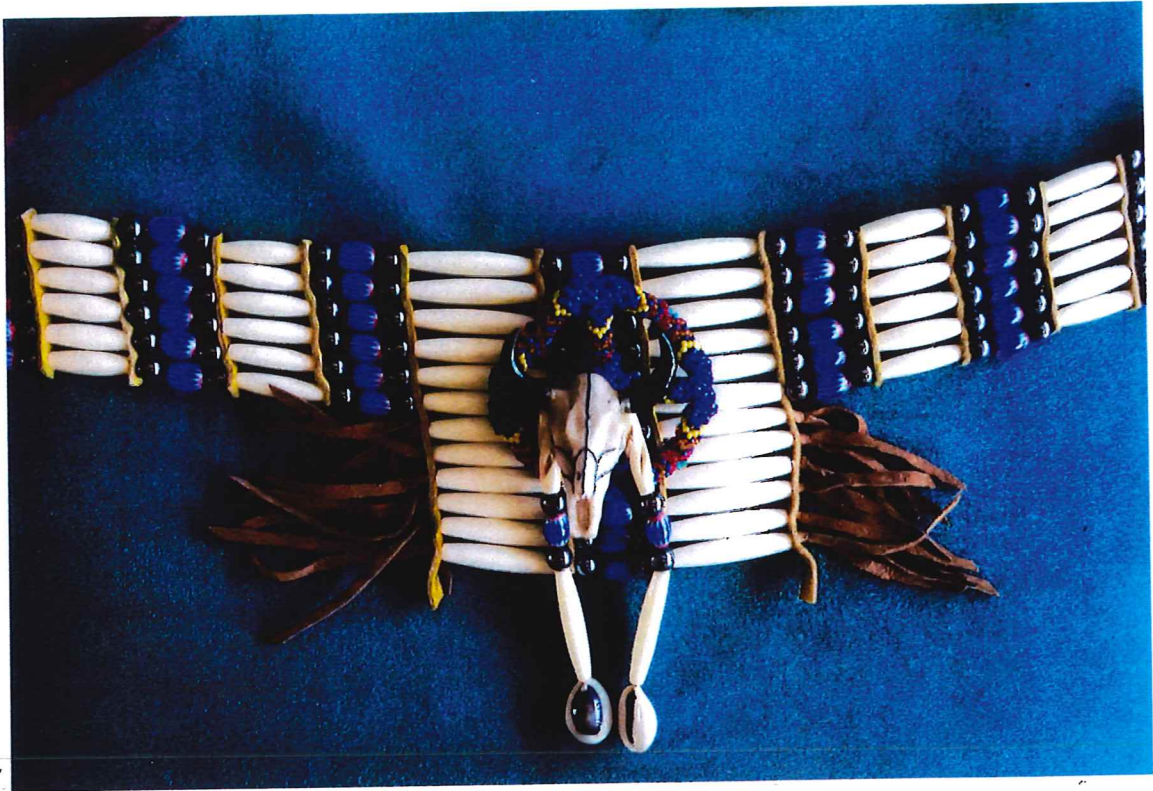
Reasonably believed unknown intruders intended to kill or harm them. The defendants acted in self-defense.

The defendants' assertion that they did not know that the intruders were police officers is plausible in view of the fact that the police officers were in the dark as they approached the McGinnis home. The incident occurred approximately 1:38 a.m. in what one police officer described as total darkness.

A. [E]verything was all total dark at that time. . . . I could see [redacted] twenty, thirty feet. . . . it was all black.

Report of Proceedings vol. XIII, at 189 (Mar. 16, 1987) (testimony of Officer [redacted]). A reasonable juror could have determined that in the circumstances the defendants believed that the intruders were police officers but were other individuals, attempting to inflict bodily harm. The court's instructions precluded the jury from considering that alternative, accepting or rejecting it.

Cary Carden



Some of the jewelry P. Hoffman made.
That man is always busy



